

021204

THE GOVERNOR'S ADVISORY BLUE RIBBON PANEL

February 12, 2004

11:14 a.m.

Lewis Prison

Buckeye, Arizona

Prepared by:
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Arizona Certified Court
Reporter No. 50325

1 APPEARANCES:

2 THE PANEL
3

4 Dennis Burke, Co-Chairman

5 Herb Guenther, Co-Chairman

6 Leesa Morrison

7 Tom Stickrath

8 Chase Riveland

9 Roger Vanderpool

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21 The following proceedings were had:

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1 MR. BURKE: Good morning. My name is Dennis
2 Burke, Governor Napolitano's chief of staff for policy, and
3 I have been asked by the governor to co-chair a review
4 panel for the incident that occurred here on-site beginning
5 on January 18th and the subsequent events after that.

6 I have two co-chairs, one who is here today,
7 former State Senator Herb Guenther, current director of the
8 Department of Water Resources and former chair of the Joint
9 Select Committee on Corrections.

10 Is that correct?

11 MR. GUENTHER: That's correct.

12 MR. BURKE: Some of our panelists are here
13 today, and our other co-chair, Grant Woods, the former
14 Attorney General of the State of Arizona, is unavailable
15 this morning. That's another reason why we are
16 transcribing this, and there is a court reporter here to
17 provide a record to panelists who are not here, as well as
18 provide a public record to anyone for this process.

19 Before I let the panelists introduce
20 themselves and get a little background on who they are, let
21 me give you a little background on where we're coming from
22 and what we've been doing already and what we plan to do.

23 Over a week ago, the governor had asked for
24 this review to be conducted, and it's currently a
25 proceeding on several tracks: One is a criminal referral

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1 to the county attorney's office regarding charges towards
2 the two inmates that were involved in this, Mr. Coy, Mr.

3 Wassenaar; secondly, as an administrative review that's
4 being conducted by the Department of Corrections, and also,
5 in assistance with that is the Tucson Police Department and
6 the State Office of Homeland Security, and they've already
7 begun that process and are moving down the path on that;
8 and the third is this panel that was put together on the
9 direction of the governor to not only review the
10 administrative report put together by the Department and
11 Homeland Security and Tucson Police Department, but also to
12 look at the larger issues, what led up to the incident,
13 looking at classification, staffing, staff training,
14 supervision, recruit retention, population management,
15 technology, physical plant improvements, security practices,
16 and emergency preparedness.

17 Now, the governor had asked that we have a
18 preliminary report to her within 30 days of her calling for
19 this, which would be March 4th, and yesterday we had our
20 initial meeting for this panel, met for over three hours,
21 and then actually toured the facility later last evening
22 and received briefings here on-site as well as a
23 walk-through of the incident and where it occurred.

24 But the panel, if I'm correctly stating it,
25 Senator, agreed to focus for the preliminary report on the

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1 what, why, and how it happened on January 18th, and
2 because, as I discussed, the litany of other issues we want
3 to focus on with regards to this panel, we will take much

4 longer than the 30 days that the governor has asked for.

5 In effect, what she is looking for is and
6 asked for an expedited review is so that you all can
7 continue to manage your facility and the other facilities
8 in the state and the directors need to manage a population
9 of over 30,000 inmates to get to her as quickly as possible
10 a review of what happened that day and why, but to then
11 continue to focus on some of the larger issues that we have
12 possibly impacting that situation and preventing that
13 situation from happening again.

14 Today is one of four what I would say are
15 field hearings that we're conducting, and the point of this
16 hearing today, and the three others we'll be conducting, is
17 to hear from the employees of the Department of
18 Corrections.

19 This is an open forum for the employees, and
20 I will let the senator focus on that a little more, and
21 we're also going to hear from the director, but we have
22 come here today to hear from you. I don't think -- other
23 than time, if we could keep it to five minutes -- we're not
24 asking you to hold back on your remarks, your thoughts,
25 your commentary, your recommendations, that incident and

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1 your thoughts about particular factors that led to that and
2 particular factors in your working conditions, we don't
3 want to use it as an opportunity, just a general "Here's
4 what we have to discuss," obviously we want to focus on
5 that incident, but as I discussed with regards to the

6 panel's mission, there are much broader issues that have
7 led to that, and you all, better than anyone, better than
8 us, we have, as you'll see when you hear the background of
9 some of the panelists here, there is a lot of experience
10 here in the correctional system and correctional practices
11 throughout the country, but at the same time, you are the
12 individuals who work here day in and day out, and we came
13 here to listen to you, and we're going to stay here and
14 listen to you, and then we're going to listen to your
15 colleagues in Tucson tomorrow and then in Phoenix on
16 Wednesday, February 25, and to Florence-Eyman facility on
17 Thursday, February 26. So this is the first of four of
18 these field hearings to hear from correctional employees.

19 Senator? Any additions?

20 MR. GUENTHER: I just want you to be as
21 forthright as you can be. Obviously the environment is
22 your environment, and, you know, I can understand some
23 concern about some of your supervisors might be here or
24 something like that, but we will, you know, we will not
25 tolerate any retribution or any other types of activity

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1 because you came here to speak your mind and to help us
2 find out what the situation was.

3 And we're not here to probe for the purpose
4 of trying to punish. We are here to probe to try to get
5 some suggestions and instructive recommendations that we
6 can make your life better and make the environment more

7 secure and make overall the director's job of managing the
8 inmate population better.

9 Again, the five minute timing is not, you
10 know, we're not going to have a clock that rings when five
11 minutes is up. We just ask you to keep your remarks as
12 focused as you can.

13 If you still need some additional time after
14 we've had everybody an opportunity to speak, we will afford
15 you some additional time. You can also submit some
16 additional comments in writing to Dennis, or we are setting
17 up a special e-mail address where you can submit additional
18 comments to that address, also, that then will be
19 distributed to the panel members.

20 When you come forward, just take a deep
21 breath, you fill out your slip when you get time, state
22 your name so that the recorder can get it on the record,
23 and we'll ask you to speak and at a reasonable speed and at
24 a reasonable tone so that, again, the recorder can hear
25 you.

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1 Let's see, with that, we will be announcing
2 the e-mail address that we will establish. It will
3 probably be somewhere in my office, and we will get that
4 back to you as soon as that has been established.

5 With that, you know, you can help us, and
6 we're looking forward to that help so we can avoid a repeat
7 of the incident that happened here on the 18th.

8 So with that, Dennis --
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9 MR. BURKE: Thank you.

10 I would just add, I have known Senator
11 Guenther for a long time, and I also know that correctional
12 matters and employee correctional matters are issues that
13 he has had a great deal of concern with for a long time.

14 When I came to work for Governor Napolitano,
15 Herb Guenther was one of the first people to come see me,
16 and he actually came to talk to me about correctional
17 issues, not about water. So this is a friend of
18 correctional employees, and he is a perfect addition to
19 this panel.

20 To my right is Sheriff Roger Vanderpool of
21 Pinal County. Sheriff, any thoughts before we begin?

22 MR. VANDERPOOL: This is really a time for
23 the troops to open up, and hopefully we can learn something
24 from what occurred to prevent it and to make sure it
25 doesn't happen anywhere else, not only in our state but

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1 elsewhere in the United States.

2 And, you know, you guys and gals out there,
3 you're a great organization, you're fantastic people, and
4 we just need to level the playing field out with some
5 parity with other law enforcement with you. You guys are
6 law enforcement.

7 MR. BURKE: Thank you.

8 To the sheriff's right is Tom Stickrath who
9 is the deputy director of the Department of Corrections in

10 the State of Ohio in 1994?

11 MR. STICKRATH: '93.

12 MR. BURKE: '93. The Lucasville facility in
13 Ohio suffered a traumatic hostage situation, and Tom has
14 been involved with the Department of Corrections matters in
15 Ohio since then and so is very versed in how to rectify and
16 recommendations and suggestions on how to address
17 particular situations in a correctional facility of
18 comparable size to the one we're discussing here.

19 Tom, your thoughts?

20 MR. STICKRATH: Thanks, Dennis, and it's a
21 pleasure to be here and hopefully be able to assist the
22 State of Arizona in any way possible.

23 I've appreciated the tour of the facility
24 that we had last evening and the opportunity to visit some
25 other areas of the facility this morning before this

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1 meeting and appreciate the professionalism and
2 responsiveness of the staff that I've had the opportunity
3 to meet so far.

4 As Dennis said, I have been with the Ohio
5 Department of Corrections for a number of years now, since
6 1978, and for the past 13 years have served as assistant
7 director of the Department managing the day-to-day
8 operations and in that course of time unfortunately have
9 had to assist the Department in managing through some
10 serious incidents, including the Lucasville riot of 1993.

11 So if there are any experiences I can bring

12 from that to this panel, I hope to do so, and it's a
13 pleasure to be here.

14 MR. BURKE: Thank you, Tom.

15 To Tom's right is Chase Riveland, who has
16 been either director or deputy director of over three
17 correctional state facilities and is known, nationally
18 renowned for his knowledge and experience in correctional
19 matters.

20 We've asked him also to be on this panel to
21 provide his expertise. And he was at the hearing last
22 night and played an integral role in the questioning and
23 the dialogue that we've already begun on a lot of these
24 issues, so appreciate you being here, Chase.

25 MR. RIVELAND: Thank you. It's a pleasure

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1 to be here, Dennis. During my career in Wisconsin and
2 Colorado and Washington State, I suffered through several
3 hostage instances, nothing as long and quite as draining, I
4 think, as what you folks went through here, and I think, as
5 I mentioned last evening, there is a lot that the field
6 itself has to learn from you now, and I hope you can help
7 us do that learning.

8 It's always a very difficult situation but
9 one that I think can also bring people together. Sometimes
10 crisis in corrections happens every day, but sometimes
11 there are big crises, and at least my experience would be
12 that correctional staff have a way of coming together after

13 that and making things, making great improvements after
14 that. But in order to make great improvements, you need
15 help from the outside, too, and I think we see our role as
16 being a part of that.

17 I also have known your new director -- I'm
18 not sure when "new" quits. Does it quit after two months,
19 six months or seven months? I have known Dora since she
20 was the director in Missouri, and I have a great deal of
21 faith in her professional capacity to handle a lot of
22 different things.

23 And it's unfortunate this incident had to
24 happen. I think you're fortunate to have somebody that's
25 going to make lemonade out of lemons, and we hope we can do

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1 that, too.

2 MR. BURKE: Thank you, Chase.

3 Our final panelist who is here today in
4 person is Leesa Morrison, who is currently the director of
5 the Department of Liquor, but that's not why she was asked
6 to be here. Her relevance here is because for over -- 15
7 years?

8 MS. MORRISON: 17.

9 MR. BURKE: -- 17 years she was an attorney
10 in the Arizona Attorney General's office and spent some of
11 those years in the criminal division but has very strong
12 investigative tools she's developed over the years in that
13 office and provides expertise for us in those matters, and
14 I'm glad to have Leesa as part of this panel.

15 Leesa?

16 MS. MORRISON: Thank you, Dennis.

17 Good morning. I'm very happy to be here
18 this morning. I do bring the prosecutorial background, and
19 I have participated in many long-term investigations, which
20 this won't be because we have a month to turn it around,
21 but I'm looking forward to hearing your thoughts, your
22 opinions, your suggestions so that this doesn't happen
23 again.

24 And I see by looking at a lot of your faces
25 as we're presenting ourselves this morning that you look

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1 very eager, and I look forward to hearing what you have to
2 say.

3 MR. BURKE: Thank you, Leesa.

4 As I mentioned earlier, there are a few
5 members of the panel who are unable to be here this
6 morning. I announced co-chair Grant Woods.

7 Mike Branham is also a member of this panel.
8 He is the executive director of the Arizona Criminal
9 Justice Commission. He is also the acting director of the
10 Department of Juvenile Corrections and participated
11 yesterday in the panel as well as the tour last evening of
12 the tower.

13 And John Cohen, who is a nationally renowned
14 consultant on Homeland Security issues and also a former
15 investigator for the United States House Judiciary

16 Committee and the Office of National Drug Control Policy
17 and a former member of SWAT teams in LA County and for the
18 DEA.

19 So those individuals will be provided copies
20 of the transcript from today's hearing, and we'll also be
21 discussing with them later our thoughts on today's hearing.

22 I want to give the director an opportunity
23 to make some comments before we open up.

24 Director Schriro, would you give some
25 thoughts.

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1 MS. SCHRIRO: Thank you, Mr. Co-chairs,
2 panelists, colleagues. I'm very glad that you're here
3 today. This is really a very important part of this
4 process.

5 I promised you early on that there would be
6 a thoughtful and thorough review of this entire situation
7 so none of us has to ever experience what our officers over
8 in Morey did several weeks ago.

9 I'm delighted that you're here. You're all
10 subject matter experts, and you are encouraged to speak
11 your minds and to speak your hearts and provide us your
12 suggestions and your comments and indeed to pose questions
13 that we can come back and answer for you. As much time as
14 you need to participate is the time that you have and any
15 other support that is needed of you so as to make this as
16 productive a process it can possibly be. You can count on
17 the support of my office for that to occur.

18 MR. BURKE: Thank you, Director.
 19 There is a form here, and the main purpose
 20 of the form for you to fill out is we'd like to get your
 21 name for the court reporter. It asks for additional
 22 information. If you want to provide it, fine. If you
 23 don't, it doesn't matter. Bottom line is, we just want to
 24 get the name correct for the court reporter, so when you
 25 come up to speak if you can -- you don't have to fill it

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1 out right away. Just fill it out before you leave and make
 2 sure the court reporter gets a copy of that. That's the
 3 purpose of that.

4 Am I missing anything else processwise,
 5 Senator?

6 MR. GUENTHER: No, we're set to go.

7 MR. BURKE: Okay. Is there a first person
 8 who wants to speak up?

9 MS. TRACY: I will. I'm Officer Tracy. I
 10 work at Complex right now. I've worked a few units at this
 11 facility.

12 Do you need a badge number or no?

13 MR. BURKE: No.

14 MS. TRACY: Honestly, I mean, it's, I guess,
 15 seeing a lot of things that we do here, I have worked at
 16 other facilities, seen other facilities, and there's a lot
 17 of things, I think a lot of people want to see changes in
 18 different ways, and the best way I could say it for seeing

19 safety issues here and different things, of course everyone
20 would say starting in our department, the first thing off
21 the bat, yes, we have a retention issue.

22 With the retention issue, there is a million
23 things that cause it: One, of course, is pay. Looking at
24 pay, if you look at the officers, we don't do -- I have
25 been in the Department five years. I have not had

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1 self-defense training in five years. I get CRIPA every
2 year. I get what's called CARE and used to be FABLES --
3 it's medical response training -- every other year. We
4 take van driver every other year. We do IMS every year,
5 but we do not redo self-defense training, which is what we
6 need in a situation like this.

7 MR. BURKE: What's that? What's CRIPA?

8 MS. TRACY: CRIPA is the Constitutional
9 Rights --

10 MR. BURKE: Oh, yeah, Civil Rights, the
11 federal --

12 MS. TRACY: -- Incarcerated Persons. I get
13 eight hours required mandatory a year. Where is myself
14 defense training every year? My understanding is we don't
15 get that because we are not truly considered law
16 enforcement. Because we are not paid enough, we do not get
17 paid to have physical training on a regular basis
18 throughout the year to be capable of completing a
19 self-defense training program which has physical
20 requirements on a yearly basis.

21 In order to do that we have to be law
22 enforcement and we have to be paid in that manner to have
23 that training, is my understanding why we can't have that
24 here.

25 Obviously if you have self-defense training,

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1 not only do you have the ability to try and do something a
2 little bit better for yourself so that in the kitchen this
3 never started with one officer against how many inmates in
4 that kitchen, but also, you increase the morale of your
5 staff so they actually feel as though they are a force
6 against the inmates when they combine together. They do
7 feel like they can make a difference on a daily basis in
8 their own jobs.

9 Half the staff here feel that there should
10 be some changes made in the way we deal with not actually
11 following policy on a lot of things, feel as though we
12 can't make a difference because they feel like they are
13 nobody by comparison of what they're dealing with
14 inmate wise.

15 If you increase your training for your staff
16 physically, you increase their morale in that manner. That
17 gets you further with their ability. Then it also helps
18 you with retention, not just because of the pay but because
19 the morale of your staff is higher and they take more pride
20 in who they are and what they're doing on a daily basis.
21 That would be one area I think that they seriously need to

22 look at in helping the staff be able to stay here.

23 We had two officers in that tower both on
24 original probation with weapons. Original probation, two
25 officers on that post? If we didn't have such staff

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1 retention problems, you would not post an original
2 probation officer with an original probation officer. You
3 would post them with someone that has training.

4 MR. BURKE: Explain the original probation.

5 MS. TRACY: First year out of the academy.
6 You are on original probation during the first year out of
7 the academy where there is a likelihood that you can be
8 looked at a little more closely for possible termination,
9 for things of that nature, I guess, which, after you're in,
10 you're pretty much, it would take a major, major screwup to
11 get terminated, okay? But that's experience.

12 Someone with four months, someone with six
13 months in here, the experience level, should they be posted
14 together? Wouldn't you rather see someone with three, four
15 months' experience posted together with someone with three,
16 four, five, six, seven years? Not many people at this
17 facility have more than six or seven years. That is as
18 long as the place has been open, and what you have is about
19 four to five years. Most of them are less than that
20 because the retention is so bad.

21 Going beyond that, I mean, specific things,
22 following policies obviously is something we have been
23 overlooking a lot at this facility. Coming to this

24 facility I have constantly heard about gray areas,
25 discretion and expression to policy.

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1 MR. BURKE: Did you say gray area?

2 MS. TRACY: "Gray area" and "discretion" is
3 the specific words that have been relayed to me by numerous
4 supervisors throughout my career since transferring to
5 Lewis facility, because I was trained at other facilities
6 where we are more strict on policy, policies to include the
7 verification of who was entering certain areas such as the
8 tower.

9 I have worked those towers, and I have
10 gotten into issues with supervisors in specific instances
11 of letting someone in that I did not know.

12 I came from Florence where nobody entered a
13 weapons area unless they were listed in front of me. Out
14 here, that's very different. Also, being --

15 MR. BURKE: I'm sorry, but explain "listed
16 in front of you."

17 MS. TRACY: A list of who is allowed and
18 authorized in this area.

19 MR. BURKE: Okay, that's what I thought.

20 MS. TRACY: This person, this name, if
21 they're not on here, the only way you're getting them in is
22 you're going to call the chief of security. It doesn't
23 matter if it's 2:00 in the morning; they call him up at
24 home and get an okay. That's usually armory. In towers,

25 nobody goes to the tower.

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1 MR. BURKE: So if you were in the tower, you
2 would --

3 MS. TRACY: At another facility, nobody ever
4 went to the tower. You were not authorized to go to the
5 tower areas. At SMU II, nobody went to the tower but that
6 tower officer who was posted for the entire shift.

7 At this facility, people are taught to be a
8 little bit more lax and the hiding out thing is quite
9 frequently mentioned at this facility, oh, they're hiding
10 out at the tower, which is always what is happening here,
11 so everybody frequents that post.

12 That is the way the staff are trained to do
13 things here. It's not staff's fault when they come in if
14 they're trained to do it that way.

15 MS. MORRISON: What do you mean, "hiding
16 out"?

17 MS. TRACY: Getting away, taking a break,
18 getting off the yard, not being on the yard and not being
19 noticed to be told to go do something else. People go up
20 to that tower. I have gone in there at shift changes and
21 seen six, seven officers. That's not the officers' fault;
22 they're trained that way.

23 And at this facility, I've seen it if you
24 don't get with the program of the way you're being trained
25 to overlook things and do things a different way, I've seen

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1 it with other staff, I've seen it for myself, getting
2 black-balled by the officers you work with on shift to do
3 it the lax way they want to see this place run.

4 MR. BURKE: You've been here five years?

5 MS. TRACY: I have been in the Department
6 five years. I have been here in this facility since
7 September of 2001.

8 MR. BURKE: Do you know how many of your
9 classmates from five years ago are still working?

10 MS. TRACY: I can verify two.

11 MR. BURKE: Two? And a class of --

12 MS. TRACY: And my class graduated 43.

13 MR. RIVELAND: Officer Tracy, of the people
14 that you know that have not stayed, what are the general
15 reasons that they're leaving?

16 MS. TRACY: Our job is very constant
17 changing, everybody above you wants something done a
18 different way. Obviously it doesn't get put in writing,
19 because if you ask it to be put in writing, then it will
20 never happen and you get black-balled or you get an issue
21 and you start to have conflict with supervisors.

22 Things change here every single day,
23 literally, more so than I have seen at other facilities.
24 Obviously pay sometimes is an issue, but everybody knew
25 their pay coming in the Department, so it's other areas.

1 The fact -- at this facility I've seen a
2 very -- to me, what I see is a higher turnover, and I see
3 it because of the complaints that I hear and I see and I
4 feel myself is, as long as an inmate says that they're
5 going to complain or dislike something, we change it to
6 make them happy, because we don't want complaints from the
7 public being their friends and family that are going to
8 come visit them that they're going to complain to or cry
9 to.

10 We have certain inmates that we know we
11 can't even touch ticketwise or anything. They can do
12 whatever they want, because if we write them up for a
13 violation on a ticket, they know a phone call is going to
14 be made, and I've seen them made with certain inmates here,
15 and they called up, tickets disappeared or what have you,
16 and everything was dropped.

17 I've seen people come in from the public in
18 ways that they shouldn't be coming in and directly violate
19 our policies. Our supervisors tell us that their
20 understanding is do whatever you have to do to get them in.
21 So telling them, "Okay, we're going to let it go this time
22 but don't do it next time," you tell them 600 times the
23 same person. It's as long as you keep the public happy, so
24 to do that, now you have to keep the inmates happy.

25 MR. VANDERPOOL: Officer Tracy, can you give

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1 me an example of that?

2 MS. TRACY: An example, I actually was here
3 and saw and was there for the whole thing, when a drug dog
4 hits on a visitor and gives an alert, that visitor is not
5 allowed into the facility and they are suspended. On a
6 particular day, after the dog alerted, that visitor was
7 still allowed into this facility and not suspended from
8 visits. They were allowed in that same day. That is a
9 direct violation of our policies.

10 But it's whatever we have to do to get the
11 visitor in, even though the dogs alerted on this person,
12 the risk that that puts our staff at if this person really
13 is carrying, because obviously a dog alerted on them, no,
14 we don't strip search the person; they were let go in.

15 MR. VANDERPOOL: Is there a field training
16 program when you come out of COTA and come to work at this
17 facility?

18 MS. TRACY: Yes and no.

19 MR. VANDERPOOL: Is there a standardized
20 field training program?

21 MS. TRACY: On paper, yes.

22 MR. VANDERPOOL: How long would that be, and
23 how is that documented and what would be the --

24 MS. TRACY: I've heard it -- it's changed so
25 many times. I know when I first transferred over here it

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1 was something called Right Start. I had a schedule set up
2 that I was supposed to be following that this is what
3 you're going to do, and every time I asked, "Okay, I'm
4 supposed to go here now?"

5 "Oh, no, don't worry about that. Just go
6 over there with this person. Oh, we're not doing that, so
7 just go over there," and it never occurred for me.

8 Other people, I don't know. You're supposed
9 to be assigned now, I think, to a field training officer.
10 Some officers have gone through a specific class to wear a
11 pin that says FT0. What difference that makes, I don't
12 know. I haven't seen it. I've seen people come in,
13 transferred or on OJT, just stuck with other people, and
14 they don't know what's going on, they've asked questions,
15 are getting all different answers, and they don't --
16 they're told, "Oh, don't worry, we don't do this, we don't
17 do that," so it's nothing set up specific.

18 Then I heard about a mentoring program which
19 lasted about 24 hours before they told us it wasn't
20 happening, at least for us in our area.

21 MR. BURKE: What's OJT?

22 MS. TRACY: On-the-job training. It's your
23 first week out of the academy, or if you transfer to this
24 facility from another, you're supposed if go on one-week
25 OJT.

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1 MR. BURKE: One week?

2 MS. TRACY: You're supposed to have 40 hours
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3 training on every post. I know I never had 40 hours
4 training on any post in the Department.

5 MR. VANDERPOOL: Is that documented? Is
6 there, you know, do you have a field training officer that
7 regularly gives you feedback?

8 MS. TRACY: With the field training officer
9 now that they have, I have no idea how they're running
10 that, because obviously I have been here since before they
11 started that program.

12 I don't know exactly how that occurs. I
13 have never seen anything really happening with it. I know
14 that field training officers are supposed to be picking up
15 their staff, according to what the new person coming in has
16 said, they're originally supposed to be picked up at VIP,
17 which is our front area going in, and originally that was
18 happening for a little while, and then I noticed all of a
19 sudden that wasn't happening, they were getting on the
20 trams themselves and going in.

21 They write policies for an ideal and then
22 decide that they're going to get lax on it because they
23 don't need to follow it for one thing or another, and
24 that's on just about every policy I've seen in here.

25 MR. GUENTHER: If you were to single out the

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1 one reason why it's tough to get staff to staff Lewis, what
2 would that reason be?

3 MS. TRACY: To get them or retain them?

4 MR. GUENTHER: To get them, first.

5 MS. TRACY: To get them, because probably,
6 honestly, it's -- I know a lot of us feel this way, and
7 from how many people that are ex-DOC that I know, more so
8 compared to DOC -- we're looked at as a joke by a lot of
9 the rest of Arizona. People think DOC is a joke.

10 Do you know how many people I know that are
11 ex-DOC? I know more of those than I know DOC working here.
12 Everywhere I go, if somebody sees that I have, you know, my
13 brown pants on when I took my shirt and left that in the
14 car because I had to stop at the store, "Oh, you work at
15 DOC? Yeah, I used to work for them, too. Yeah, I stayed
16 with them about six months, man, that's ridiculous."

17 I hear that everywhere I go, people think
18 DOC is a joke. So you've gone through most of the state
19 already probably in what you can recruit.

20 MR. GUENTHER: Lack of respect, is that -- I
21 mean, is it just the fact that you're --

22 MS. TRACY: I mean, it's lack of respect
23 for -- we're not considered law enforcement. We're
24 supposed to be law enforcement, we do law enforcement. I
25 guarantee you by keeping these inmates in here every single

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1 day, we are protecting the public to make sure that they're
2 not going out there hurting somebody else's child.

3 I know I'm doing my job, because I'm going
4 to make sure these guys stay here and don't get to my
5 children out there or my family that's out there. That is

6 law enforcement.

7 We protect the public from what is here.
8 Our job is to keep this place as quiet as we can so that
9 the rest of the Arizona residents can forget about all
10 these terrible criminals that they have and what crimes
11 they, when they react and see the crimes that were
12 committed and watch these trials, and, oh, God, they better
13 put them away, and throw them away and lock up the key, and
14 in their mind, that's what happens. It's our job to keep
15 it quiet.

16 People don't think about us unless something
17 like this happens, but when they do, we're just, just a
18 joke to them, because obviously they only hear about us
19 when something goes wrong. The rest of the time we keep it
20 quiet so they don't think about and don't have to think
21 every day about what we have of society in here.

22 MR. GUENTHER: What about retention?

23 MS. TRACY: Retention? Treatment of staff.
24 When you start seeing things, and I've seen a lot of it
25 here, a violation of our own policies, again, it is

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1 required if you promote from an officer to another
2 position, you are required to be taken off of your yard and
3 placed on another yard, because they don't want favoritism
4 to come into play.

5 I have seen here on numerous occasions
6 someone promotes to a sergeant or a CO III stays on that

7 yard. When they stay on that yard as a sergeant, they
8 start hand picking for certain areas. One of them, there
9 was an entire area that was hand picked. They cleared it
10 out and hand picked them all over the course of a few
11 months. They hand picked their staff.

12 Everything in DOC are required to post
13 openings for positions such as operations. I just watched
14 it again recently in the past two weeks. I didn't see a
15 job posting for any of these operations positions. They
16 just changed them all over and hand picked who they were
17 putting in there.

18 That's favoritism. That's what is not
19 supposed to be allowed in this department. That is how you
20 start causing rifts amongst your staff, and then you have
21 staff that all want to do it one way, and that's how
22 they're going to do it, and nobody is ever going to change
23 it no matter what policy says. And the supervisors pick
24 who they know will do it the way they want it.

25 MR. GUENTHER: Somebody said that Lewis has

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1 a reputation of being one of the easier places to make
2 rank. Do you find anything --

3 MS. TRACY: Yeah, we have so many openings
4 right now. At one point when I came in, they were doing
5 oral boards, no written exams, because they needed people
6 to promote so bad.

7 Right now, my understanding, I think Morey,
8 I was told by one of the CO IIs, three of them are gone

9 within the next two weeks, possibly more. Who are they
10 going to promote from? We don't have enough officers to
11 man our post, so how do you promote to supervisor? You
12 don't have enough to cover that.

13 I'm on Complex. I have currently, from two
14 months now, almost two months, had no sergeant and we have
15 no lieutenant. Our sergeant, and one sergeant quit, God,
16 I'm thinking November, December, if not before that. Our
17 other sergeant has been on stress leave since December.

18 So we have a captain. Well, there's
19 sergeant, lieutenant, captain, major; we have a captain
20 over us. He's doing the job all by himself. All these
21 positions that go under them, they're open. There's nobody
22 to fill them. So, of course, they make it easy to promote
23 here, because we need somebody to cover as a supervisor, so
24 we better just promote them.

25 I mean, yeah, it's a joke to promote here.

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1 I mean, that's -- yeah, if you take an oral board, not a
2 written exam, what is that? You don't know how to pass a
3 written exam, so what's the purpose? So yeah, it's very
4 easy to promote here.

5 With the high turnover, how could you not
6 make it easy to promote? If all your people quit, you have
7 openings everywhere, you got to do something, so you make
8 it easier and make it easier for people to get into the
9 Department to put them into the position, so you lower the

10 qualifications or you help them slide by a little bit. So
11 you've basically lowered your standards of what you're
12 hiring. And if you go to the -- if you go to the bottom,
13 that's what you get is the bottom.

14 MR. STICKRATH: Officer Tracy, you've
15 obviously raised a number of issues and concerns. I'm
16 wondering if you've had a chance or the ability to share
17 those issues and concerns with supervisors or managers.

18 MS. TRACY: Numerous times.

19 MR. STICKRATH: Is there a vehicle in place,
20 kind of a standard vehicle by which staff can share those
21 kinds of issues, grievance procedures or other vehicles?

22 MS. TRACY: Grievance -- there is nothing to
23 grieve, because things aren't run right. I've had
24 discussions with people going up through warden about the
25 way this place is run.

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1 I hear it a lot that yes, it is a newer
2 facility, so yes, it has kinks to work out, that everything
3 takes time, is pretty much all I've been told, and I've not
4 seen really many, if any, improvements at all.

5 You know, we've recently had some items
6 handed out to us -- after this all happened, we had our
7 officers come down, I believe it was the following Thursday
8 or Friday, yeah, Thursday or Friday, I think, we were all
9 given radio pouches, and I remember going home to my mother
10 and telling her right then and there, "You know, just so
11 you know what it is when you hear it on the news, DOC goes

12 and tells the press that they went and issued all brand new
13 equipment to these officers to make their jobs safer. Just
14 so you know, they handed us, I think it's an \$11 radio
15 pouch, because I'm going to guarantee somewhere up in this
16 mix of what happened, one of these officers wasn't wearing
17 their radio, and they're going to blame that as being part
18 of it." And I did hear from Captain yesterday that if this
19 officer had been wearing his radio, this wouldn't have all
20 started.

21 That's not it. When an inmate puts a knife
22 to your throat, your radio isn't going to save you if
23 that's what it was. If it's one officer by himself with a
24 knife to his throat, not much you can do. A radio, because
25 it didn't have a clip on it and the Department doesn't

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1 issue radio pouches, isn't the answer.

2 MS. MORRISON: Sergeant, do you have any
3 specific thoughts, suggestions, with regard to the taking
4 of the hostage --

5 MS. TRACY: Of the exact thing, yes. No. 1,
6 you do not put one officer in a kitchen. Those are Level
7 III and Level IV inmates in that kitchen. Buckley is Level
8 IV inmates. Stiner uses their Level III inmates in the
9 kitchen.

10 A lot of Level IIs and Level IIIs aren't
11 really those levels. I have seen guys that are IVs and Vs
12 still stuck on those yards because we don't have nowhere

13 else to put them. Guys working in those kitchens aren't
14 always the level that they say they are, according to their
15 housing. Even at a Level III, that's medium security.

16 Would you, yourself, as one person, be an
17 officer with a radio and a can of OC and a badge that makes
18 you an officer stand in the kitchen with 20-plus inmates?
19 Obviously kitchen utensils, anything in that kitchen, can
20 somehow be turned into a weapon.

21 You want to be behind closed doors where
22 absolutely nobody can see you and you're the only staff in
23 there, or a white shirt who has got absolutely no training?
24 You don't put one officer in a closed area with inmates.

25 MS. MORRISON: What's a white shirt?

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1 MS. TRACY: A kitchen worker, I'm sorry. We
2 refer to canteen workers, kitchen workers, as white shirts.

3 You don't go in closed areas like that with
4 one officer with that many inmates with those types of
5 equipment. Secondly --

6 MR. BURKE: There's no camera in the
7 kitchen?

8 MS. TRACY: No. In the chow hall, yes, and
9 we post, on average, we're supposed to have between two and
10 four staff in each chow hall during chow but only one
11 officer in that kitchen.

12 Then, second from that, I would say the
13 lower tower door that this inmate came through when he was
14 wearing a uniform, the only way you have to get your visual

15 at that point is, and the way that he was trained, I
16 guarantee you I was trained the same way here, you look
17 over the window from the second floor, look down and see
18 who it is and let them in.

19 And I have been told by a supervisor, "Are
20 they wearing brown? Well, then, it's an officer. Let them
21 in," if I didn't recognize who they were.

22 MR. BURKE: Now, that would be only to
23 Lewis? Because you said earlier that you thought --

24 MS. TRACY: They don't go in, and I know at
25 armories and stuff you don't let them in unless they're on

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1 a list. At the towers, a person is put in the tower,
2 nobody is to go in there.

3 MR. BURKE: That's at another facility?

4 MS. TRACY: That's at Troon (phonetic) Unit,
5 at Florence Central Unit, at SMU II at Eyman, nobody goes
6 in the tower. You go in there; that is it.

7 MR. BURKE: That's your understanding is
8 that a written policy that's at the other facilities? What
9 I'm trying to get to is whether -- do you know, is there a
10 written policy with regards to the tower there and who is
11 supposed to have access to it here at Lewis that was not
12 being abided by?

13 MS. TRACY: Well, is there a written policy
14 with regards to who has access?

15 MR. BURKE: No, you were talking about

16 the policy --

17 MS. TRACY: Yeah.

18 MR. BURKE: -- how the other facilities are
19 different.

20 MS. TRACY: I do know policies for armories,
21 no, absolutely nobody is supposed to come in at all.

22 MR. BURKE: Gotcha.

23 MS. TRACY: For a tower, if there is a
24 written policy on restriction specific to these towers, no,
25 but I do know armed posts, they're supposed to have a

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1 policy that restricts it. At least at Florence, we did
2 have a policy that, because it's an armed post, these are
3 the restrictions for it.

4 MR. BURKE: Okay.

5 MS. TRACY: But having a lower tower officer
6 would probably have been a really big deterrent here,
7 because a lower tower officer would have seen face to face
8 who's coming in, and "I don't know you," or "Hey, wait a
9 minute, you look like an inmate. You live over there."

10 If you're looking from the second floor down
11 at what, anywhere between 3:00 and 5:00 in the morning,
12 it's pretty dark out here, huh? We might have some lights
13 that come on, but how are you going to see them that well
14 to open the door from upstairs and you're looking through
15 tinted glass that's at an angle which makes it harder to
16 see?

17 Add to that we're taught to keep the lower

18 door on access, which means instead of hitting the button
19 and it beeps the person upstairs so that they now have to
20 open that door, you hit the button and it unlocks the door
21 for you. Nobody else has to do anything for you to walk up
22 there.

23 The tower is then posted with the weapons
24 that we have, being the rifle, the shotgun and the
25 37 millimeter, and all the other little toys they have up

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1 there. Nobody is wearing a Glock on their side to protect
2 their firearms. I know even DPS will tell you they will
3 not carry a shotgun or a rifle unless they have a sidearm
4 to protect that weapon.

5 Obviously when you're inside, if you're not
6 up on top of that deck walking the platform and you're
7 downstairs, you will remove the ammunition from the weapon
8 so they're now separate. How do you now protect that
9 weapon? Even if you were in there and it's loaded, it's
10 going to be very difficult for you to shoot in close
11 quarters those types of weapons. That is what a sidearm is
12 made for.

13 MS. MORRISON: I wasn't clear just a second
14 ago. You said that button on that lower door, it's
15 automatically set, it's overridden manually.

16 MS. TRACY: Okay, there is gates -- from the
17 front portion of the tower, which, if I understand
18 correctly, where he came from, obviously not through the

19 back from admin, you have a gate on either side. That
20 gate, you hit a button and it cycles a lock, and then
21 cycles it back closed.

22 And whenever you open one gate, it shows, it
23 kind of disables the rest that connect to that, so any door
24 that's next to the first one cannot be easily opened. You
25 can't just hit the button and open two by mistake at once.

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1 You have to intentionally do it.

2 So you close the gate. You then hit a
3 button on the lower tower door, the front door, to get into
4 the tower. This is to allow -- medical staff keep
5 medications and stuff down there. This is if an officer at
6 the chow hall needs to run back and use the restroom, they
7 can come in the lower tower and use that area, or if you're
8 in the front, you need to get into admin and walk through,
9 you can walk through the tower and stay inside that spline
10 so a DART team or something could move through there
11 without ever entering the yard. You can physically walk
12 through that tower.

13 There is a door inside that is now, is
14 supposed to have been secured. We have been taught not to
15 secure it. The inside door, you are now inside this tower.
16 There is another steel door which has a button next to it
17 which should be alerting that officer upstairs. We have
18 been taught to keep it on access, which means instead of
19 pushing the button and it rings that buzzer upstairs, you
20 push the button and it automatically opens the lock. That

21 is called putting a door on access.

22 The inmates have it for their cells. If
23 it's chow time or something, you're going to turn the
24 entire pod out, you're told to put the doors on access.
25 You hit -- in the units it's different. You hit something

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1 on a computer. You tell their doors to go on access, so
2 now all the inmates push the button for their cell which
3 normally rings a buzzer to you, but now all it does is
4 unlock their door for them. It's called access.

5 MR. GUENTHER: When you're in the tower and
6 prescription drugs are in the cabinet --

7 MS. TRACY: They are in the lower tower,
8 yes.

9 MR. GUENTHER: -- how are those drugs
10 dispensed to the inmates?

11 MS. TRACY: What I have seen when I have
12 worked on the yards, officers are supposed to escort the
13 medical staff, pharmacy in the morning, usually in the
14 morning, put those meds in there.

15 Later in the day when we do med pass, med
16 count, we bring a nurse in, walk them to the tower.
17 They're supposed to go into that tower. The officer -- I
18 have seen it two different ways.

19 I have, myself when I've done it, I have
20 stood outside with a list of inmates that were supposed to
21 show up. The nurse was inside the tower at the trap. The

22 inmate would come up, get their pills, and they would take
23 their pills there.

24 I would always address it, if I didn't see
25 them taken there and they tried to walk away, I would make

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1 them stay there and take them. I don't know who's to watch
2 swallow; that's not my job, but I'm not letting you walk
3 away with medicine, unless it's in a bag, which obviously
4 is for a few days' worth.

5 I also have on occasion seen an officer stay
6 inside the tower with the nurse while the nurse passed out
7 the meds. It's been done both ways.

8 MR. GUENTHER: How often do you use those
9 pass-throughs on either side of the tower on the bottom
10 floor?

11 MS. TRACY: Constant.

12 MR. GUENTHER: Constant?

13 MS. TRACY: Yes, constant.

14 MR. GUENTHER: I noticed when I was in there
15 yesterday that they're very difficult to operate. It took
16 relative -- the one I was using --

17 MS. TRACY: You mean time frame?

18 MR. GUENTHER: No.

19 MS. TRACY: Oh, no, see, that's because
20 we're used to being there, so we know how to do it. What
21 you do is you push the gate inwards as it's cycling. As
22 soon as you hear the brake, then you pull it. I guarantee
23 it will snap the gate. It's the way they're made.

24 MR. BURKE: You were struggling with that
25 last night.

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1 MS. TRACY: What people do is they start
2 pulling on it while it's still cycling. If you do that,
3 somehow it causes the locking mechanism to not always let
4 it open. You push in on the gate while it's -- we're used
5 to that, so we know, we know to expect it.

6 It's not always the best equipment, you
7 know. It was intended well, but when it's used as much as
8 we use it, it doesn't work as great.

9 MR. GUENTHER: One last question with regard
10 to the tower operation: When you've got two people in the
11 tower, one is supposed to be on the top deck whenever there
12 is inmate activity in the yard?

13 MS. TRACY: Okay, now, see, this is where we
14 get into the what's written isn't always what's followed.
15 I do know I have seen numerous written directives in each
16 tower. When asked which one you last -- "This is the last
17 one I see, so this is what I go by."

18 "No, this is how it's going to be."

19 "Okay, but this is what's written."

20 "This is what we said, so you're going to do
21 it this way."

22 And it changes every day. I have seen it go
23 all the way from, at Stiner, being Level II and Level III,
24 the upper towers only to post when an inmate on the red

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25 yard, being Level III, is out.

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1 If you have -- at one point what was written
2 said III or more. Then we were verbally told for a while
3 I or more. Then we were told when certain work crews were
4 being walked from the gate into the chow hall, we didn't
5 have to go up there, then we were told we did have to go up
6 there.

7 So what it's at right now, I don't know. I
8 know Morey, no one ever stayed up there no matter how much
9 movement there was. The only time they stayed was
10 specifically, I believe, at that time -- now they have
11 changed the level since I was there -- 1 AB, 1 CD, and 2 CD
12 only. You were required to stay up top during that
13 movement if they were going to and from chow.

14 During times that they had inmates rec'ing,
15 there were people that would occasionally come down for a
16 minute and go right back up. As far as the red yard being
17 that it was lower custody Levels II and III, they weren't
18 required to stay up there. At Stiner, III is what was
19 required to have the rifle. At Morey it's not for IIIs.

20 Every unit here is different. And all of
21 that could have changed since I was at that unit. I don't
22 know. Like I said, everything changes all the time. That
23 is one of the issues staff have.

24 MR. BURKE: Sheriff, you have a question?

25 MR. VANDERPOOL: Who's overriding the

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1 station orders?

2 MS. TRACY: Sergeant, lieutenant, captain.

3 MR. VANDERPOOL: Verbally?

4 MS. TRACY: Yes. And there has been a few
5 times where a captain would put something in writing and
6 change it, because obviously our captains also change at
7 the yards quite frequently, too, and the new one would come
8 in and decide he wanted to change the way everything was
9 done so would write what he now wanted.

10 I was in the tower one day when we were
11 given exact verbal directives from a captain, we were only
12 to bring one dorm out at a time on Stiner. The dorm was to
13 come out, go to the chow hall, finish. We had to put them,
14 every single last one, back in their house before the next
15 dorm stepped out. That came per the captain.

16 The very, that very weekend on a Sunday
17 morning, the lieutenant got on the radio and told the lower
18 tower, being yard control, to allow the next dorm out while
19 the first dorm was in the chow hall. Lower tower got on
20 the radio and said, "Sir, that is a negative. I cannot do
21 that. We were told that we cannot do that."

22 Lieutenant came back on the radio, told that
23 officer "I've given you a direct order. Do it. This is
24 how you will run it." And the sergeant came up and told
25 him he had to do it that way.

1 I know this very well, because I was on the
2 upper tower that day and I wrote paperwork on that
3 lieutenant and went to my captains about it. And I did
4 catch flack from my lieutenant for having done that. It's
5 overridden all the time. This is standard here.

6 MR. GUENTHER: Is there a trick to opening
7 that ladder up to the top just like it is the pass-through?

8 MS. TRACY: You take your hand and you slam
9 your hand on it. You slam your hand on it. You take a
10 swing at it, basically.

11 MR. BURKE: Officer, back to the training
12 issue. Since you've been employed, you have received no
13 self-defense training, is that --

14 MS. TRACY: Not since the academy. It is
15 not done on a yearly basis. This is not repeated. Anyone
16 that I know, unless they are self-defense instructors, you
17 do not repeat it. The self-defense instructor, if I
18 understand, has to go through self-defense training twice
19 in order to meet the requirements.

20 MR. BURKE: COTA is the training facility --

21 MS. TRACY: Correctional Officer Training
22 Academy is COTA, yes.

23 MR. BURKE: Do they train you for the tower
24 duty?

25 MS. TRACY: No, tower is not trained at

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1 COTA. The regional academies we run, which are run here at
 2 the facility -- some have been done in Florence, some have
 3 been done in Yuma -- those, I'm sure that they take some
 4 cadets through the tower to show them that post, but at
 5 COTA, no, there is no tower.

6 And you're not supposed to actually have a
 7 tower in Tucson. I do believe they have one which is for
 8 their detention unit only. It's not a very high tower, and
 9 that's only for detention, so they don't have towers
 10 available.

11 MR. BURKE: So someone who is on original
 12 probation as within their first year out of the academy
 13 would have received no tower training at the academy?

14 MS. TRACY: If they went to COTA, absolutely
 15 not, no.

16 MR. BURKE: And it's your understanding that
 17 they should have received, because of that duty, they
 18 should have received 40 hours of training before they --

19 MS. TRACY: According to policy, we're
 20 supposed to receive 40 hours of training per post.

21 MR. BURKE: Post? Have you been involved in
 22 any simulations of escapes in the Morey Unit?

23 MS. TRACY: At Morey Unit, a simulation of
 24 an escape?

25 MR. BURKE: Yes.

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1 MR. GUENTHER: Or --
2 MS. TRACY: I'm thinking. At Stiner --
3 MR. GUENTHER: -- an IMS.
4 MS. TRACY: In simulations?
5 MR. BURKE: Yeah.
6 MS. TRACY: I was there once on swing shift
7 when Lieutenant Carcoff (phonetic) ran one. I have been
8 there when Sergeant Snyder ran DART simulations.
9 MR. BURKE: DART?
10 MS. TRACY: IMS for DART response,
11 Designated Arms Response Team, it would be a Level C
12 response IMS for us. Those are the only simulations I have
13 been present for on that yard.
14 MR. BURKE: Okay. Any other questions for
15 Officer Tracy?
16 MR. VANDERPOOL: One. Policy manuals, are
17 they issued to each officer or are they updated or --
18 MS. TRACY: Policy, directors' instructions
19 and departmental orders, you can access on a computer if
20 you can get access to it, or they're supposed to be kept,
21 if I understand, I think it's supposed to be in the major's
22 office for us to have access to. They're not issued to us.
23 We get a thing, our signing of understanding
24 of the new policies that they update and change all the
25 time, we will, during briefing, which we get 40 minutes for

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1 briefing in the morning, we try to keep it to 20, 30
2 minutes and get out and relieve the other shifts so they

3 can leave on time, you will get a packet of the new
4 policies, changes and everything about this thick that
5 will, front couple of pages being the officers that need to
6 sign off and initial it.

7 You'll get about three or four of those
8 packets handed to be passed around and to be completed
9 during that briefing, all to be completed during that
10 briefing or in the morning, so there is really not much
11 time to read them.

12 MR. BURKE: That's every morning?

13 MS. TRACY: Not every morning, but when they
14 come out with them, that's what happens. You could
15 probably see two, maybe twice a month. Anytime they come
16 up with them, they give them to us in a big old stack.

17 And how we're supposed to, one officer is to
18 read them in 20 to 30 minutes during briefing, I'm not
19 quite sure, but no, they don't issue us a policy.

20 MR. BURKE: Any more questions?

21 Officer Tracy, I really want to thank you
22 for doing this, not only for doing this but being the first
23 one. It was very compelling. It was very, very
24 informative. Greatly appreciate you doing this. It took a
25 lot of courage.

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1 MS. TRACY: Thank you.

2 MR. BURKE: You should be proud of yourself.
3 Thank you.

4 Next? Anyone? Anyone back up Officer Tracy
5 here.

6 Just give us your name for the court
7 reporter.

8 MR. DUDLEY: Good morning, Panelists.
9 Sergeant Dudley, Complex K9, also a member of Barchey Unit
10 and Bachman Unit prior to this assignment.

11 I told myself I could just sit here and
12 listen today, and after listening to Officer Tracy discuss
13 a couple of the issues, I feel that she is either
14 misinformed or well intentioned but not well versed on what
15 occurs on a daily basis surrounding both treatment of
16 officers, the standards by which we are held, and some of
17 the things that she has seen when it comes to supervision.

18 As a sergeant, I can assure you that, yes,
19 there are steps in place where we do have to be tested and
20 we do have to be screened in order to promote, although she
21 is correct when it is not, when she says that it is not a,
22 I guess, the best word would be "profitable" position to
23 promote, especially here at Lewis.

24 You see, the way the pay scales are
25 structured, an officer who tops out or stays for the

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1 maximum amount of time as a CO II --

2 MR. BURKE: Tops out, did you say?

3 MR. DUDLEY: Yes. Each -- CO II has a
4 stairstep pay scale, much like most law enforcement
5 departments have in place for their officers and sergeants

6 and lieutenants.

7 If a CO II stays for the maximum amount of
8 time at the position of CO II, with the stipend that exists
9 here at Lewis, the 10 percent recruiting and retention
10 stipend, they make more than a sergeant does. You lose
11 that stipend when you are promoted to sergeant and you gain
12 a 7 percent increase over the base salary that you
13 currently had.

14 Well, as a CO II, I have a bachelor's degree
15 and was able to promote at a year and a half. For me, it
16 meant a step from about \$26,000 a year to \$30,000 a year.
17 For most, it's a step backward because they lose 3 percent
18 of their salary when they promote to sergeant, having lost
19 that 10 percent stipend and only gaining a 7 percent
20 increase over the base pay level.

21 Originally it was based on merit raises
22 after that promotion to supervisory level. Now merit
23 raises don't occur, so you lose money and you're kind of
24 stuck there because there is no way for you to -- there is
25 no incentive or stairstepped way for you to get a pay

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1 increase as a supervisor.

2 MR. BURKE: When did the merit pay increases
3 stop?

4 MR. DUDLEY: I don't know, sir.

5 A VOICE: '98 or '99.

6 MR. BURKE: '98 or '99?

7 MR. DUDLEY: One of the things I'd like to
8 touch on and is an issue close to my heart is some of the
9 issues that Officer Tracy brought up when it came to
10 training.

11 She is correct when she states that we are
12 considered a joke by the law enforcement community at large
13 in the State of Arizona. I come from California where the
14 correctional officers there are post certified, and my
15 personal opinion is that that is the step that needs to be
16 taken with this department.

17 If we are law enforcement professionals, and
18 if we are to be dealing with the same people that street
19 officers confront, arrest, and detain on a daily basis,
20 then our training standards need to be at least similar if
21 not the same, and we need to receive the same level of
22 training that they do in the areas of self-defense,
23 handling arms, and dealing with the public at large.

24 We don't. Quite simply put, we just don't
25 receive that training. I was recently at COTA, our major

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1 training facility for the K9 academy, and during that time
2 I saw cadets who could not pass a simple physical fitness
3 exam. They were retained for over seven weeks until they
4 managed to pass it by a sit up or so.

5 Those standards are lowered on a continual
6 basis so that they more accurately reflect the needs of the
7 Department, and that's just to fill bodies. The positions
8 here are not what you would call high-level activity posts,

9 and so you see cadets coming through who are in their 60s
10 and 70s, cadets who are drastically out of shape who don't
11 take the necessary steps to maintain their own physical
12 condition when they get here.

13 MR. BURKE: You have cadets in their 70s?

14 MR. DUDLEY: Absolutely.

15 A VOICE: Uh-huh, uh-huh.

16 MR. DUDLEY: Absolutely. When I came to
17 COTA, I had recently come from an Army school. I am also a
18 National Guard reservist, and I breezed through COTA; it
19 was effortless. I could sleep through 30 percent of my
20 classes and still pass with As.

21 There were people around me who I wouldn't
22 trust to cross a yard now in under 40 seconds, and it's
23 maybe 40 yards across, because they're out of shape, they
24 don't have any incentives to stay there, whereas a lot of
25 police departments now ask their officers to test on an

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1 annual or semiannual basis, and they give them incentives
2 to maintain their physical condition.

3 Officers do not receive training in the
4 areas that Officer Tracy was speaking about. We are asked
5 to qualify with our weapons once a year instead of twice,
6 and our tactical officers, who are members of our SWAT
7 teams, are still not held to those standards. They do not
8 have to pass an annual physical fitness test.

9 Once you pass it to make the team, you're no

10 longer required to attend any training that requires you to
11 stay in shape and be able to meet the standards any longer.
12 Once you're in, you're in, and you're good to go.

13 There are several different steps that I
14 feel need to be taken: Of course, the pay issue is one to
15 be addressed. I don't think a drastic increase is
16 necessary. \$30,000 a year to do this job is perfectly
17 adequate, but it at least makes us competitive with what is
18 out there on the streets.

19 And, you know, when Scottsdale's offering
20 \$41,000 a year and I have a bachelor's degree and the
21 ability to go test with them, why would I stay here? What
22 benefit is it? It's 50 miles one way for me to get to work
23 on a daily basis. I get no respect, I get no perks for
24 being in this job, and it's, you know -- I come here
25 because I know there are good people here. I have friends

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1 who are sitting behind me right now who are all laughing at
2 me when I walked up here to sit down that I know are good
3 people who deserve better, who deserve the things that an
4 officer on the street sees and who don't receive them
5 simply because of where they work and what they do.

6 Once you address the pay issue, you have to
7 address the standards issue. I'm a firm believer in you
8 get what you, you know, present yourself to be. If you
9 present yourself as an in-shape professional, well-intended
10 individual and that you're out there looking for the same
11 people, that's what you'll see come into your office.

12 The Marine Corps is one of the few
13 institutions that does not have a problem recruiting
14 because the people that they put, the image that they
15 present is one that people want to see and want to be a
16 part of.

17 That esprit de corps is something that a lot
18 of police departments express and put forward when they do
19 their recruiting. It's not one the Department does.

20 And take a tour of COTA. Go down there and
21 just take a look around.

22 MR. BURKE: We are.

23 MR. DUDLEY: And then go to ALECA or go
24 to --

25 MR. BURKE: What's ALECA?

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1 MR. DUDLEY: -- Phoenix Regional Academy,
2 and watch the cadets there and just look at the
3 differences. The answer is in front of you. It will be as
4 plain as day.

5 After you address the standards, address the
6 training. Take a look at what the officers are asked to do
7 on a daily basis. Make sure that they receive the amount
8 of training and the types of training that they need to
9 deal with these situations.

10 I personally agree with the way the
11 situation here was handled. There was no tactical way to
12 take that tower and prevent the loss of life to those two

13 officers. So without being willing to sacrifice or make
14 that decision, then you did the right thing. However, I
15 took an oath when I took this job that said I was going to
16 do my best to serve both the public, my peers, and the law
17 enforcement community at large when I came to work every
18 day. I also signed a piece of paper that said the
19 Department did not negotiate with hostages.

20 A VOICE: Amen, brother.

21 MR. RIVELAND: There seems to be a conflict
22 in what I hear you saying. You said you agreed with the
23 way it ended up, and yet you're saying that the
24 department's philosophy is to not negotiate?

25 MR. DUDLEY: What I'm saying is I agreed

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1 with it because there was no way to prevent those officers'
2 lives from being taken if those inmates decided to take a
3 shot when we took that tower. The timing, the position,
4 and the way that tower is constructed is built to keep
5 people out, not allow them access in.

6 However, I came to this department with the
7 understanding that we did not negotiate with hostages, with
8 hostage takers. So while I agree, I don't want to lose a
9 colleague, I don't think anybody in the law enforcement
10 community wants to see anyone injured or hurt in the line
11 of duty, but it happens.

12 I didn't come to this job with the
13 assumption that I was going to be okay every day I came to
14 work. I knew what the risks were. It's also the same

15 thing I knew when I signed to be a part of the force that
16 defends this country. I knew what the risks were. I knew
17 what the issues at hand were.

18 So when you tell me, "Officer Dudley, we
19 will not negotiate, will you still sign," and I say yes,
20 that's exactly what I expect. I don't expect you to stand
21 by. I don't expect you to take two weeks. I don't expect
22 you to take my team members because you have failed to
23 adequately train them and pull them off the assignments
24 that they have been received, such as our TSU and K9 teams,
25 because you don't feel that we're adequately trained to go

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1 into a situation.

2 Why have us? Why put us out there? There
3 is no point. You may as well take my dog, take my badge,
4 and call me what I am --

5 A VOICE: A guard.

6 MR. DUDLEY: -- a big ole adult babysitter,
7 a guard.

8 A VOICE: Babysitter. Amen.

9 MR. DUDLEY: If you're going to call me an
10 officer, if you're going to give me a dog, if you're going
11 to put me on a tactical support unit, then you had better
12 put me in the situations that I signed on for. You had
13 better have enough confidence in me to do my job adequately
14 and professionally in the manner in which I'm assigned. If
15 not, don't waste my time.

16 MR. RIVELAND: Help me understand that a bit
17 more, then. What happened in this event with you?

18 MR. DUDLEY: When the original response came
19 for the situation that occurred at Morey, our tactical
20 units were the first ones on-scene. As time went on, of
21 course, we received help from DPS and Maricopa County SWAT.

22 When it came time for the officers to move
23 into tactical positions, our SWAT team, our TSU, and our
24 K9s were already on-site, knew the yard, knew the location,
25 knew the issues at hand going into that situation and were

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1 ready to be deployed.

2 We were in a truck at the south
3 sally port ready to go down to the unit. We were summarily
4 told to stand down and that we were being replaced, that
5 Maricopa County and DPS would handle the situation.

6 MR. RIVELAND: How long had your team been
7 on-site at that time?

8 MR. DUDLEY: I had been here since 6:15 that
9 morning with my partner, Officer O'Reilly (phonetic).

10 MR. RIVELAND: And the stand-down was when?

11 MR. DUDLEY: At approximately 0800 hours,
12 I'd say. Correct me if I'm wrong, guys.

13 A VOICE: I think it was about 10:00.

14 MR. RIVELAND: 10:00? Two hours, two, three
15 hours?

16 MR. DUDLEY: Three and a half, it sounds
17 like.

18 MR. GUENTHER: You don't think that they
19 should have made an adjustment -- I mean, the tower, it
20 seems like to me like it is unique in the institution
21 because it is the only armed facility in the perimeter; is
22 that correct?

23 MR. DUDLEY: That's correct, sir.

24 MR. GUENTHER: And what do you think is --
25 what were you prepared to do as a part of the tactical

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1 support unit as far as taking back the tower?

2 MR. DUDLEY: The issue there, sir, isn't
3 really that I think we should have or should not have been
4 deployed. The issue there is that our department failed to
5 have enough confidence in our training and our level of,
6 our level of action to allow us to be the team that was put
7 in place should they decide that action was necessary.

8 They pulled us and they replaced us. I'm
9 not saying that I would have agreed with the decision to
10 put TSU down there. We train once a month. The K9 teams
11 have the ability to train daily and we do so. However,
12 when you have a full-time SWAT team who is available and
13 ready to go, absolutely you put the most qualified people
14 in the front of the line. Any good supervisor, any good
15 leader will tell you that.

16 However, why have the teams? Why put us
17 together? I went to an eight-week academy for my K9
18 responsibilities. I know that the training is the exact

19 same training that Maricopa County Sheriff's Office
20 receives for their dogs.

21 Our head program administrator is a former
22 Maricopa County Sheriff's sergeant who ran that K9 unit, so
23 I know that our training is of standard. We were pulled.
24 We were taken. You're telling me that my time, my efforts,
25 my dog and myself aren't worth it, we're not good enough.

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1 MR. BURKE: In the situation, why would a K9
2 unit be replaced?

3 MR. DUDLEY: If you have to enter a tower --
4 well, I don't know, sir. I don't know why they would be
5 replaced.

6 A VOICE: Dual-purpose dog.

7 A VOICE: They've got drag dogs.

8 A VOICE: No, he said why they would be
9 replaced.

10 MR. VANDERPOOL: When they stood you down to
11 replace you, to switch responsibilities, did anyone explain
12 to you --

13 A VOICE: No, no, no explanation.

14 MR. BURKE: Hold on. One at a time. We
15 have a court reporter, so when you yell out that way, it's
16 very difficult for her to follow. Let the sergeant reply.

17 I apologize, but let him reply, and then if
18 you all want to come up later and talk, but it's going to
19 be real hard to follow this unless the sergeant is allowed
20 to answer the questions.

21 MR. DUDLEY: The only thing -- I can only
22 speak for myself, sir, and no, I did not receive any
23 explanation as to why our units would not be allowed onto
24 the scene and why we were being replaced by another dog
25 team.

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1 MR. VANDERPOOL: When you were replaced,
2 were you reassigned or --

3 MR. DUDLEY: Negative, sir. I spent three
4 days basically floating from site to site, employing myself
5 as best as I could, because, of course, at that point a
6 personnel staffing change had taken place, and we had gone
7 to 12-hour emergency shifts.

8 My direct supervisor at that point became a
9 captain, because I was a dog team assigned to graveyards,
10 and eventually I took it upon myself to work with our
11 tactical support team members who were also assigned to
12 that graveyard shift, and we began rehearsing our own
13 progression should we be asked to go into that situation.

14 MR. VANDERPOOL: Has this incident been
15 debriefed in a critical stress debriefing for you guys?

16 MR. DUDLEY: Those -- yes, it has. The
17 critical stress debriefing teams were made readily
18 available to us, and at different points throughout the
19 incident we were called in and debriefed over the issues
20 that were at hand due to it.

21 MR. VANDERPOOL: And there is two

22 debriefings that can take place: The one, obviously, for
23 the tactical, and the other one where you would even, you
24 would have the warden and everyone in there, and there's
25 basically no rank to get issues out in the open.

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1 Did that latter take place?

2 MR. DUDLEY: Not for me, sir. I was never
3 approached nor informed of any situation where that would
4 occur.

5 MR. BURKE: Sergeant, any thoughts on the --
6 Officer Tracy had talked about the tower and the traffic
7 around it. Do you have any thoughts on that yourself?

8 MR. DUDLEY: Say again, sir?

9 MR. BURKE: The employee traffic around the
10 tower, human traffic.

11 MR. DUDLEY: While Officer Tracy did make
12 some points that were valid, at the same time, you're
13 dealing with a situation that I feel where you're dealing
14 with, to put it bluntly, people who are substandard that
15 are allowed to take positions inside this department.

16 The simple reason is because we need the
17 bodies. The standards have been lowered to the point
18 where, and it was said in a paper interview no more than a
19 day after, people that I wouldn't see working in a
20 restaurant situation are working these positions because
21 it's not hard. There is no effort involved in trying to
22 earn the badge and the ability to come onto these
23 institutions.

24 No, there are plenty, plenty of officers on
25 those yards who are absolutely outstanding individuals,

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1 absolutely outstanding. However, yes, the training, once
2 you get to the job site, is lax. There are no set
3 standards that are continuously enforced by the upper-level
4 management for those officers to receive the amount of
5 training that they need once they arrive on-unit.

6 While there have been attempts at mentoring
7 programs, field training officer programs, and Right Start
8 programs, they have failed to take a good strong foothold
9 in this department.

10 And so while the intentions and the thought
11 process is there, the enactment of those leadership or
12 mentoring programs fails to get followed through on, and
13 unfortunately, that leads to training situations such as
14 the ones that Officer Tracy discussed.

15 While there are, of course, limits that I
16 think can be and should be enforced when it comes to
17 officer movements and officer postings throughout the yard,
18 on a general basis, the way that most staff here conduct
19 themselves and the way they attend to these inmates is
20 relatively outstanding, given the tools that they are
21 supplied with.

22 And so what you see are a couple of bad
23 apples, several bad apples, I should say, and a few shining
24 stars that, yes, Officer Tracy was talking about being hand

25 picked. Yes, that does happen. That would happen with any

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1 good leadership position. If I feel that you're the most
2 qualified person to take up a position, I'm going to put
3 you there. That's what a supervisor and leader does.

4 I'm not going to put you in a position that
5 I don't feel you're qualified for that I don't feel that
6 you need to be placed in or that I don't feel that you've
7 done or shown me you have the ability or capability to
8 handle.

9 If I think that you are lazy, if I think
10 that you are sleeping on the job, if I think that you
11 cannot professionally interact with those around you,
12 whether they be inmates or other staff, then no, I'm not
13 going to put you in a position where that's going to be
14 your daily job. I'm going to pull you. I'm going to put
15 somebody that I know can.

16 I ran a yard for months, months, because I
17 was an officer that my supervisors knew they could come to
18 and say we need to get this done, and it got done in a
19 timely and professional manner.

20 The officers that are sitting behind me, for
21 the most part, are the same exact way. No one's perfect;
22 no one is a gold star. There are stories every day of law
23 enforcement officials who screw up. That's anyone.

24 The key for me here is to get across that
25 you can't build anything without a solid foundation. You

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1 just can't do it. No house will stand, no building will
2 stand, and no department will stand, and the foundation
3 upon which this department operates is a crumbling,
4 cracked, ruined mess, especially if you're going to refer
5 to us as law enforcement professionals.

6 MR. BURKE: I don't think she was
7 disagreeing with you on picking of people. You're saying
8 they should be picked because they're qualified. What I
9 was hearing her saying was, in effect, it was a, for lack
10 of a better term, good-ole-boy network, the people were
11 being picked because they're buddies and not because
12 they're qualified, which seems to be the same thing you're
13 saying.

14 MR. DUDLEY: I don't see it as such, sir. I
15 think that, of course, anyone looking from the outside
16 looking in on a situation where they feel they're being
17 excluded or picked on is going to see that, but I've been
18 here for three years. I've held a spot on the tactical
19 support unit, I've held a spot as K9, I've managed to
20 promote. I don't have any special qualifications. I'm not
21 a good ole boy.

22 I get in arguments and disagreements with my
23 partners, and I have no qualms of taking up issues with my
24 supervisors. You can ask any one of them that supervise me
25 that. However, I seem to manage to promote and do just

1 fine.

2 MS. MORRISON: What she seemed to be saying
3 was that the job offers were not being posted.

4 MR. DUDLEY: That's a negative, ma'am. This
5 happens a lot in this department, and I'm not going to say
6 that Officer Tracy is not correct 100 percent of the time.
7 I'm sure there are situations, like anywhere, where there
8 are issues with how long the posting was put out or whether
9 or not the offer was widespread enough to attract the
10 people that really wanted to apply for it.

11 But at the same time, a senator doesn't
12 become a senator because he is part of a good-ole-boy
13 network. He spends his time out there, pounding the
14 ground, shaking hands, kissing babies, stealing their
15 lollipops.

16 MR. GUENTHER: He's crazy.

17 MR. DUDLEY: But he spends his time working
18 hard, going through the steps that are necessary for him to
19 hold that position, and then doing the things that he feels
20 are in the best interest of those around him and in his own
21 best interests when it comes to his position. I don't
22 think that that's wrong or outside of a professional
23 parameter of any position.

24 MR. BURKE: That sounds like an ideal
25 situation, though.

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1 MR. DUDLEY: Of course.

2 MR. BURKE: That's not actually what's
3 occurring here.

4 MR. DUDLEY: Of course not, of course not,
5 but that's what I'm saying is also the situation here.
6 Ideally, everything would be open for long enough, posted
7 broadly enough, what have you, but at the same time, you
8 have to put the effort into it, too. You have to be the
9 one to step forward, and yeah, when it came to K9, there
10 was nothing I wanted more, nothing.

11 When I got onto this unit, there were three
12 things that I wanted to do. I've accomplished two of them;
13 I've got one more to do. However, I still had to beg and
14 plead, scratch and claw, do my own work to get there.

15 When I sat down in front of the oral board
16 for a K9 position when it came open, I was sergeant. I
17 couldn't have that position and stay a sergeant, so I had
18 to take a step back to CO II, because that was a path of, a
19 correctional path that I wanted to take. That's where I
20 wanted to be.

21 I can always repromote. But I knew that it
22 was going to take legwork, letters, memos, letters of
23 recommendation, all of the things that were necessary for
24 me to be able to actually take that step to become a K9
25 officer. I did it. It's available. It's out there. You

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1 can do those things.

2 You're going to hear a lot of moaning and
3 complaining about people who don't think that it was open
4 long enough, that I didn't hear about it, that I wasn't --
5 I was a sergeant when it happened. I knew I had to take
6 this position; that was the only thing I wanted in the
7 Department, and read it in three different shifts and tell
8 everybody about it that this position was open, that all
9 you had to do was put your memo in, and that it was readily
10 available for the taking, because then I was going to have
11 to compete against all of them for the same position that I
12 wanted.

13 I could have crumpled it up, thrown it away,
14 and tossed it. Sergeant Jones was supervisor with me, and
15 he knew I was hating every minute of it, but I read that
16 announcement, and I read it two or three times during
17 briefing so that everybody knew that it was out there.

18 Most of the supervisors, I'm going to say 99
19 percent of them, are the same way. There is not a
20 good-ol e-boy network here, sir. I personally don't
21 feel that in today's society --

22 MR. BURKE: That was my term, not hers, just
23 to correct that.

24 MR. DUDLEY: Of course. I don't feel
25 personally in today's society that if there was such a

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1 system in place that you wouldn't hear it be screamed and
2 shouted from the rooftops about, because I don't personally

3 feel in today's world there is a place for it.

4 Any law enforcement professional that you
5 see in today's day and age, unless it is a throw-back to
6 the Stonehenge days, is going to give you anything else but
7 your best fair shot. You just can't exist -- we're too
8 much in the public eye.

9 There are too many cameras, there are too
10 many microphones, there are too many opportunities for it
11 to just crumble your career because you make a screwup or
12 you play favorites. It's -- I feel it's the same way in
13 the military.

14 Are there mistake? Are there problems?
15 Sure, but it's not something you can't work past or get
16 around.

17 MR. RIVELAND: Officer Dudley, what's the
18 third thing?

19 MR. DUDLEY: The third thing is I'd like to
20 be an investigator for the state, sir. Eventually what I'd
21 like to do is make it downtown.

22 MR. RIVELAND: Okay. I thought the warden's
23 job was at risk.

24 MR. DUDLEY: I'd like to go downtown and be
25 a criminal investigator for the state.

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1 MR. RIVELAND: Thank you.

2 MR. STICKRATH: Sergeant, Officer Tracy
3 spoke at some length about inconsistency in supervision.

4 She said things change here every day. She talked about
5 supervisors frequently verbally overriding written policy.

6 Do you have any thoughts on that?

7 MR. DUDLEY: Things change every day. I
8 think she's correct when she says that, but I have never
9 encountered a supervisor overriding policy in any manner,
10 shape, or form. That includes my colleagues or the ones
11 that I work with.

12 While I'm sure it could possibly exist, if
13 it happens, it is either the action of just an individual
14 who somehow managed to slip through the cracks of the
15 system and became a supervisor, it is a situation where a
16 judgment call or an emergency issue arose and needed to be
17 handled, and so the supervisor did what he felt was the
18 best in that situation for him to do, or it was
19 misunderstood or misinterpreted by the officer and would
20 probably be brought up later on.

21 And I've never seen a supervisor not taken
22 to task for a violation, direct violation, knowing and, you
23 know, flagrant violation of policy.

24 MR. GUENTHER: Sergeant, do these towers
25 become a central clubhouse for visitation, and, you know,

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1 stop on the way across the yard or whatever? I mean, do
2 you feel like these towers are as secure as they should be?

3 MR. DUDLEY: Have I seen it occur? Yes.

4 Yes, I have. Have I not seen it -- when it occurs, have I
5 not seen it addressed? No. No, absolutely.

6 On the unit that I originally was stationed
7 at here, our sergeants finally decided to solve the problem
8 by creating an office in the tower where a sergeant was
9 posted almost all the time, and that pretty much prevents a
10 CO II for hanging out for very long.

11 MR. BURKE: Where is that at?

12 MR. DUDLEY: Barchey, sir, Barchey Unit.

13 MR. BURKE: Not at Morey?

14 MR. DUDLEY: Morey, I can't speak for. I
15 have never been in a position there.

16 As to the second part of your question, are
17 they secure enough? No, apparently not.

18 MR. GUENTHER: One other thing: When it
19 comes to your experience with how the towers are operated,
20 is that fairly consistent shift to shift?

21 Now, you stated that the people, or at least
22 I understood that you said, the people that were occupying
23 the tower were not suited to be in that position they were
24 in.

25 MR. DUDLEY: Again, you're going to find me

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1 referring back to the training policies of this department.
2 No, no four-month officer should be put in a position to
3 where they are handling a rifle that they may be six
4 months, or three months into the job got qualified on and
5 are now in a position where they're being asked to take a
6 life with no field training of any kind.

7 You cannot, you cannot operate at the
8 training levels this department operates at and expect its
9 officers to come out qualified in order to handle the
10 situation like the one that occurred at Morey. Based on
11 the reports that we received and the intel that I've seen
12 as to the handling of this situation, those inmates,
13 especially, specifically Inmate Coy, encountered almost
14 five officers or six officers prior to gaining access to
15 that tower.

16 I'd be a dead man. I'd have gone down with
17 a shank in my side. I know the officers sitting behind me
18 are the same way. I want to know how that inmate got past
19 four law enforcement professionals and made it to that
20 tower, regardless of whether shots were being fired,
21 whether he had a knife or not.

22 I signed on for this duty. I knew the risks
23 that were involved. I don't think there is a law
24 enforcement official out there who doesn't. So how did he
25 get there? It's because our officers weren't qualified to

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1 be there in the first place.

2 Gentlemen, at this point I'm going to stand
3 down. I'm going to let my colleagues take the floor,
4 because Officer Tracy took a long time and I don't want to
5 do the same.

6 MR. BURKE: We're going to take a break here
7 for our reporter.

8 (A recess ensued from 12:42 p.m. to

9 12: 58 p.m.)
 10 MR. IRVIN: I'm not going to make this long
 11 and drawn out.
 12 MR. BURKE: That's all right, if you could
 13 just state your name for the court reporter, that's what we
 14 need.
 15 MR. IRVIN: Officer Irvin of Morey Unit.
 16 MR. BURKE: Officer --
 17 MR. IRVIN: Irvin.
 18 MR. BURKE: -- Irvin, and you're in Morey
 19 Unit?
 20 MR. IRVIN: Right. Basically I have two
 21 things I want to bring up: Pay is basically one of the
 22 biggest issues I want to bring up. And when we have
 23 officers making \$24,000 a year that come into this job
 24 working at a state level when the county is making \$31,000
 25 to start, there is a big issue, okay?

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1 The equipment we have is definitely
 2 substandard, okay? OC spray is definitely not enough on
 3 the unit. My honest opinion, inside the kitchen, when the
 4 inmate had a shank, if the officer would have had an ASP
 5 baton --
 6 MR. BURKE: A what?
 7 MR. IRVIN: An ASP baton, it's an extendable
 8 baton, I think things would have probably been a lot
 9 different in that scenario.

10 The fact is, we have inmates that are twice
11 the size of most officers on the yard, okay, and that's
12 just -- sorry, I'm not good at this. Damn, I'm freezing
13 up, sorry.

14 MR. BURKE: That's all right.

15 MR. IRVIN: It's just been a long haul.
16 There's been a lot of bad things. I've been here five
17 years, pretty much seen everything from inmates committing
18 suicide to escapes to you name it. I've pretty much seen
19 it since I've been here, hostage situation. They were new.
20 I'm not going to sit here and agree -- I
21 can't go the same route that Sergeant Dudley went. I think
22 the fact that we know that we had both inmates in our
23 sights, we could have sniped them out in the first couple
24 of days, and we were on order to stand down, okay? I can't
25 agree with that --

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1 MR. BURKE: Were you on orders to stand
2 down?

3 MR. IRVIN: Actually, the TSU and the SWAT
4 teams were on orders to stand down. That's a fact that was
5 proven.

6 MR. BURKE: How do you know that?

7 MR. IRVIN: Because I have friends that are
8 on tactical support unit, and I talked to several of the
9 SWAT team members. The fact that --

10 MR. BURKE: They had indicated that they had
11 both inmates --

12 MR. IRVIN: Both inmates in their sights and
13 could have taken them out at --

14 MR. BURKE: And could not take them
15 because --

16 MR. IRVIN: Because they were told not to,
17 because they wanted to end this in a peaceful resolution.

18 MR. BURKE: Did they indicate who told them
19 that?

20 MR. IRVIN: They just said it came from the
21 higherups. I don't know who. It's always the higherups.
22 Nobody ever comes out and says directly who said so.

23 The fact that it could have been ended in
24 two days, one day, two days, and we let this go on for 15
25 days, while we sat back and watched our peers go through

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1 things that most of us can't even imagine, you know, I left
2 that poor girl up there to pretty much be tortured and
3 raped, you know, for 15 days. You know, it's pretty big
4 insult to ourselves and to the Department. You know, there
5 is nothing worse than sitting back and realizing you can't
6 do anything to help your peers.

7 I think a lot of things need to be relooked,
8 revamped. Training is the big key, like I said. I could
9 agree with Tracy saying about the self-defense class, but,
10 you know, even the self-defense class we took basically
11 didn't teach anything but to get a good whooping.

12 Equipment is a big thing. OC spray is just

13 not good enough. When we have inmates that you can spray
14 down, they get up laughing at you, there is a big
15 situation. You know, as far as Officer Dudley said, why
16 they didn't tackle him down, you know, that's -- that
17 remains unseen, you know. What went down, we can't account
18 for, we weren't there. We weren't in that situation.

19 You know, a lot of people don't have the
20 drive to put themselves forward and to go that extra mile.
21 You know, if you spray an inmate and you got him down and
22 he gets up laughing at you and he's three times your size,
23 you know, you got to revamp, especially when you have his
24 partner shooting at you.

25 You know, it's -- I'm really, from my point

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1 of view, I'm really disgusted on what went down. I'm
2 really disappointed. You know, five years, you know, and
3 this is the worst-case scenario I could ever think of, you
4 know, and I don't think the way they kept us in the dark,
5 you know, it was pretty bad when we had to watch the news
6 to find out what was going on in my own unit.

7 I was there every day, and I still had to
8 get the word from the news stations. You know, they told
9 us it was about bringing down morale, you know. It had
10 nothing to do about morale, because once you lie to your
11 people, you keep them in the dark, all you're doing is
12 bringing them down.

13 We knew from the get-go she was being raped
14 and beaten. I even talked to my, Deputy Warden Haley. I

15 told him what was being said and what was going down, and
16 he specifically told me, he said if that was the case, we'd
17 go in there and get her, okay? It wasn't the case. They
18 didn't go in to get her. Instead, they were compromising
19 and giving them pizzas and trading them out for 18 Pepsis
20 and two beers and, what, a radio, pretty much meeting their
21 demands.

22 MR. BURKE: How did you know how she was
23 being treated in there if you were being kept in the dark?

24 MR. IRVIN: Well, we got buddies, you know.
25 That's all I'm going to say. I've got friends that were in

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1 situations where they were able to overhear and oversee
2 things.

3 MR. BURKE: They were able to overhear what
4 was going on inside the tower?

5 MR. IRVIN: Right. They had the tower
6 bugged at first before the inmates found the bug inside the
7 radio. I'm not going to divulge any information, because,
8 like I said, there are things that are better left unsaid
9 that I know of.

10 MR. BURKE: Well, from our perspective,
11 whatever we can learn, the better, just so we can prevent
12 this from happening again. I understand --

13 MR. IRVIN: I'd rather keep names out of
14 things.

15 MR. BURKE: That's fine. I understand that.

16 But that's why I need to probe you on these questions,
17 because they're pretty serious accusations.

18 MR. IRVIN: There is a lot of things that
19 went down that just could have been handled in a different
20 manner.

21 MR. BURKE: But you have friends who claim
22 that they overheard on a wire that the female officer
23 inside was being assaulted?

24 MR. IRVIN: Right. We have reports from our
25 SWAT team members, the fact that we could hear her

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1 screaming and crying at night, basically screams of being
2 tortured, you know.

3 MR. BURKE: This was over the wire?

4 MR. IRVIN: This was just as they're laying
5 on the buildings at night.

6 MR. BURKE: They could, from where they were
7 positioned, they could hear her screaming?

8 A VOICE: Uh-huh.

9 MR. IRVIN: Right. It took a lot for me to
10 want to deal with this situation afterwards. A lot of my
11 fellow officers above me quit because they were so
12 disgusted in the Department, you know.

13 MR. BURKE: Officers quit because of this
14 incident in Morey since --

15 MR. IRVIN: Right. We have, I'm going to
16 say, at least 10 officers that have resigned or are going
17 to resign by the end of the month. You know, that's a big

18 chunk of resources.

19 MR. BURKE: And they've indicated they're
20 resigning because of this incident?

21 MR. IRVIN: A lot have, yes. Once you lose
22 faith in your department, people that you work for, the
23 people you're protecting, you know, it kind of makes you
24 realize what am I here for?

25 None of us want to be a number. We're not

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1 here to be a number. We're here to do our jobs.
2 Unfortunately, like I said, we're the stepchildren of law
3 enforcement. That's what we are, you know, underpaid
4 babysitters. We babysit the worst criminals we have, and,
5 you know, just because I worked on the protective custody
6 unit, I've had child molesters, rapists, murderers, gang
7 members, it doesn't matter.

8 You know, it's a sick environment, and we
9 have to deal with them on a daily basis, and we're not
10 getting the credit we deserve.

11 That's pretty much it. That's where I want
12 to hit.

13 MR. BURKE: I appreciate that, Officer. Let
14 me ask you a few follow-up questions in view of the
15 comments you made.

16 There were tactical members who heard the
17 female officer screaming or crying at night from their
18 position --

19 MR. IRVIN: Right.

20 MR. BURKE: -- as to where they were?

21 My understanding is she was in either the
22 second or first floor, not on the roof, so they would have
23 heard through the building from where they were positioned,
24 I assume, 80 to 100 yards, at least?

25 MR. IRVIN: I don't know where she was

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1 positioned. I'm just -- I know for a fact the screams were
2 heard. I know they were screams of torture. I know for a
3 fact that what was going on and the fact that I was told,
4 yes, we would go get her.

5 You know what? I'm not saying that we would
6 just go in there and her life isn't anything, okay? But
7 the fact is we all know the risks when we came in here,
8 like Sergeant Dudley said, and my point of view is I would
9 rather have somebody come and get me than to leave me in
10 the situation, okay? And I'm pretty sure any of the
11 officers behind me would have done the same thing, you
12 know, and if it ever came down to a choice to where I was
13 in a situation like that and that something happened to me,
14 you know, tell my kids, hey, you know, your dad did his
15 job.

16 MR. BURKE: Have you been on tower duty
17 before?

18 MR. IRVIN: Yes, I have.

19 MR. BURKE: In Morey?

20 MR. IRVIN: Yes.

21 MR. GUENTHER: Was it a clubhouse
22 environment?

23 MR. IRVIN: You know, I'm going to say
24 probably at -- we have account time. That's where we get
25 an account of all the inmates that are on the yard. The

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1 yard staff is basically run the yard, be on blue set and
2 zone. They go up there and they kick back for an hour or
3 so during count, because they have nothing to do until the
4 yard reopens, and that's the only time I can actually say
5 that we have lounge time; let's put it that way.

6 Day shift is a lot different. We're
7 constantly busy between feedings and counts and school
8 turnouts and religious turnouts, and it's just a constant
9 flow all day, so it's kind of hard just to get that lounge
10 time.

11 So I'm just saying -- I'm going to say no,
12 but I want to say yes, basically, just at count.

13 MR. GUENTHER: It seems, having visited the
14 tower last night, and maybe we ought to see it in the
15 daytime, too, I'm not sure, but it would be -- having the
16 inmates in their sights and being able to take them out
17 simultaneously might be a little iffy.

18 MR. IRVIN: You know, the first two days
19 basically, I mean, they didn't just go up there and start
20 covering windows right away, okay? They were up
21 show-boating. Basically they're running around the yard.

22 We had our DART teams, we had our tactical
23 units that were there and could have taken care of the
24 situation, okay? The point was they weren't allowed to do
25 their jobs that they were trained to do.

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1 That's just like Sergeant Dudley was saying.
2 If you don't have confidence in your people, then don't,
3 don't create positions like that; let's put it that way.

4 MR. GUENTHER: Have you been debriefed at
5 all since the incident?

6 MR. IRVIN: No, no. That's -- they
7 pretty -- they didn't do it as a group. They pretty much
8 did it individually. You know, I was ten years in the
9 Army, so, you know, stress to me is kind of like push it
10 aside, deal with it later.

11 There's other people that have bigger issues
12 than mine, you know. It's just mine is major
13 disappointment, you know. It's not the situation. I learn
14 to deal with that on a daily basis. Any day I'm going to
15 come in, it's either going to be a good day or it's going
16 to be a bad day, and I accept that.

17 When I leave here, I leave work here, and I
18 go home, and home is home. That's the way I like to keep
19 it.

20 MR. GUENTHER: And what was your job --
21 where were you assigned during the 14 days?

22 MR. IRVIN: Basically we were assigned
23 wherever we could go. The first night that this basically

24 kicked off, we had to go in over the rooftops in the line
25 of fire. We had to go down through the traps on top of the

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1 buildings to relieve the graveyard officers that were held
2 up in there for, I believe, about 27 hours.

3 Basically we went in there and we spent, I'm
4 going to say about the same amount of time to sit in the
5 building where the inmates were basically locked up, you
6 know, it went from trying to get on the floor to sneak your
7 way in so we could actually conduct feedings, to medical,
8 to whatever needs had to be met for that day, basically
9 running around, trying to get our people wherever they
10 needed to go without being seen in the line of fire. It
11 was just -- it was a constant go of whatever mission they
12 wanted you on that day.

13 MR. GUENTHER: And this was in the housing
14 units --

15 MR. IRVIN: Right.

16 MR. GUENTHER: -- that you really could not
17 move around freely?

18 MR. IRVIN: Right, we had no free movement
19 at all. It's pretty bad -- I mean, it wasn't just the fact
20 that it was the two officers that were held hostage in the
21 tower. It was the fact that our whole unit was pretty much
22 held hostage.

23 Everything that was supposed to be routine
24 was out the window. Nothing was the same. We couldn't go

25 about work the same way. We had to climb through the roof

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1 just to get to our positions. We had to go sneak our way
2 in through the back to get in the floors.

3 You know, and it was just -- that part, I
4 would say, they handled real good. The fact that they kept
5 their staff in the dark, to me, I'm a grown man; I don't
6 need somebody else playing mom and dad, you know. I'm
7 going to decide what's best for me. You're not going to
8 tell me we're going to keep this a secret from you because
9 we don't trust you.

10 You know, I understand we have loose lips,
11 and sometimes things get out, but sometimes loose lips are
12 needed. Sometimes things like this are needed to actually
13 show the public and show our department and other
14 departments what we do on a daily basis and how we're not
15 getting what we need, okay?

16 The fact that I was here for 15 hours a day,
17 sacrificing my family time and not wanting to leave because
18 I didn't want to leave until my peers were out of the
19 tower, you know, that shows, that shows commitment.

20 MR. BURKE: So you wanted them out safe and
21 alive?

22 MR. IRVIN: Yeah, I wanted whatever it took
23 to get them out and whatever is going to make them safe. I
24 don't feel like, honestly I don't feel like they got their
25 justice. I don't feel like Ida, from the kitchen, the 65-

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1 year-old woman, I don't think she got any justice for being
2 raped that morning. I don't feel like our two officers in
3 the tower got any justice. How you going to give a lifer
4 more time? Stick him in a cell by himself and call it
5 justice? How you going to give another inmate that's got
6 28 years? Give him more time and just call it justice?
7 You know, there is something really wrong with this
8 picture.

9 MR. GUENTHER: What do you, as far as the --
10 I mean, obviously you are angry and --

11 MR. IRVIN: Right.

12 MR. GUENTHER: -- did you know the two
13 officers in the tower?

14 MR. IRVIN: Yeah, (name redacted), she was OJT on our
15 yard. I didn't really know Auch very well, but (name redacted),
16 she's a real nice person. We talked a few times while she
17 was OJT, and she was actually reinstated from Perryville.

18 So it was, it was not a whole lot I really
19 wanted to jump into on a personal note. I wanted to come
20 up here and make my points known. I mean, our training is
21 substandard. That's where I'm going to put it. We need
22 more than OC spray. I don't care if it's ASP batons. I
23 don't care if it's tasers, whatever it is.

24 We were going to the tasers at one point,
25 and I believe that the sergeant was the only one to carry

1 them. Okay, the sergeant is not always around. The line
2 staff is what makes the things go around.

3 It's not the ADW, it's not our sergeant;
4 it's our line staff. We take care of the business on a
5 daily, daily note, and we make sure everything runs good.
6 The only time we need to involve a supervisor is if
7 something is out of our hands.

8 Unfortunately, Morey Unit had a point of
9 wanting to create what we call a Care Bear nation, okay?
10 It was more about the inmates, the fact that they were
11 afraid that we were going to be sued at any little thing
12 that we did.

13 MR. BURKE: Care Bear?

14 MR. IRVIN: A Care Bear nation, basically
15 the fact that they would go out of their way to make sure
16 the inmate got whatever they wanted. It would micromanage
17 our staff to where we couldn't do our jobs on a daily
18 basis. That's where basically I'm going to say our
19 complacency came from.

20 When you're taken out of your position where
21 you can't function normally and do your job that you were
22 taught to do because somebody's telling you, oh, if you do
23 this this way, you're going to get sued, but if you do it
24 that way, you're going to be in trouble or we're going to
25 sic someone to you, put you under supervisor investigation,

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1 it's gotten to the point where they wanted complacency, and
2 that's basically what happened.

3 You know, our field training officer
4 program, which just started up, I want to say it's only
5 been in effect for what, maybe a month?

6 A VOICE: Couple months.

7 MR. IRVIN: Couple of months? Most of our
8 staff, like I say, they've been here two, four, maybe six
9 years. The place has only been open, I think, seven. It's
10 hard to get somebody to train the new guy when they don't
11 know their own job, okay? And that's what I'm looking at.

12 They're prevented from doing their job, and
13 then have to teach some new guy, "Hey, this is how we
14 operate, but we can't do it this way because they want it
15 their way, you know," it's gotten really ridiculous out
16 here. That's the point.

17 MR. VANDERPOOL: How are field training
18 officers selected?

19 MR. IRVIN: You know, I'm not really sure.
20 I don't know if they're going by time or -- you know,
21 there's no merit. There is nothing based on merit. I
22 mean, you could go out and have the biggest drug bust on
23 the yard one day, and the next day, it doesn't matter.
24 Nothing happened.

25 We don't get a bonus or anything if we find

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1 an 8-ball of meth on the yard or anything like that. You
2 know, it's basically, "Hey, good job. We'll write it up.
3 Have a good day. See you later."

4 You pull an inmate out of a cell that's
5 committed suicide and bled all over the place, you get
6 blood on you, you drag his body out. There is no "Hey, you
7 did a great job." Just "Let's get it cleaned up. Let's
8 get back to normal."

9 A lot of things need to be relooked, and I
10 hope when you guys go through this you'll see the pros and
11 the cons and sort it out a little bit.

12 MS. MORRISON: With respect to the hostage
13 situation, do you have any specific policies that you think
14 need to be revisited?

15 MR. IRVIN: You know, I wouldn't even say
16 they're policies. Basically, the same thing that Dudley
17 hit on, I signed a contract here that said I wouldn't be
18 negotiated with. I'm not saying that -- hey, it worked,
19 they came out alive, okay, I will give them that, but, you
20 know, in the hostage situation, it goes either way. It's
21 50/50. That's what you've got to look at.

22 You know, I did hostage negotiations in the
23 Army, and the longer something goes on, the more time they
24 have to plan. The more they want, the more they're going
25 to demand. And, you know, these inmates, they sat up

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1 there, they were in hog heaven. They were in an
2 environment that was three times the size of their cell.

3 They're getting all their demands met. They got whatever
4 they wanted, you know. And to top it all off, they knew
5 they had nothing to lose. The fact that they could do
6 whatever they wanted to do to her and nobody was coming in
7 to do anything about it, that's sickening.

8 That's all I want to say. Thanks.

9 MR. GUENTHER: I just, if I could just go
10 one other place, and that's when you're on the tower --
11 what do you think about the experience in the tower?

12 MR. IRVIN: You know, the tower is a good
13 position. It gets cold in the winter and it's real hot in
14 the summer. That's all I'm going to say.

15 The way it's set up, I want to say the way
16 they designed it probably should have been better off. If
17 you walk to the pedestrian gates, like I say, you have to
18 actually look down to see who is there. We have a speaker
19 you push to identify yourself, but the way it's set up, I'd
20 say the gates need to be pushed further away so you get a
21 clearer visual on who's there, maybe some cameras so you
22 could actually see what's going on.

23 I want to hit on the kitchen. Couple of my
24 buddies were in the kitchen when this went down. They're
25 pretty lucky that they survived and didn't come out stabbed

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1 or whatever, okay?

2 The fact is it's one officer per 20 inmates,
3 okay? It's not a safe environment. It hasn't been.

4 They've been told this by the get-go, and this is the way
5 they continue to operate.

6 Never should one officer be by themselves
7 supervising inmates. I don't care what yard you're on, I
8 don't care if it's Level II, I don't care if it's Level V.
9 You work as a team. You always have your battle buddy with
10 you. That's the way I look at it.

11 I could tell you on a daily basis of being
12 the only floor officer in the building supervising, what,
13 100 inmates, that's 100 inmates to one officer. You think
14 that one officer is going to be able to provoke, or not
15 provoke, keep anything from happening? No. It's not going
16 to happen.

17 By the time you get somebody over there to
18 help you, you're either going to be hurt, down or you're
19 going to be killed or whatever. That's just what we face
20 on a daily basis.

21 You know, street cops work their beat. They
22 go every day. They've got all the equipment they need.
23 They got the bulletproof vests, they've got their stab
24 vests, whatever they need, all their equipment they're
25 supplied with. We're not supplied with anything. We get a

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1 uniform allowance that barely covers a pair of pants and a
2 shirt, you know.

3 I think the Department needs to check into
4 stab vests for us. That's my honest opinion. I figure if
5 you're working a Level III, Level IV, Level V yard, that's

6 part of your routine. That's what you need, anything to
7 keep you safe to where you go home to your families every
8 night. That's the key.

9 MR. GUENTHER: What is your experience,
10 since you're in Morey, and I hate to belabor this and make
11 you sit up here, but since you have worked Morey, one thing
12 that's key in this whole situation is the shanks.

13 MR. IRVIN: Right.

14 MR. GUENTHER: Where they got them, where
15 they hid them, or, you know, things like that. Do you have
16 any views on that?

17 And one other follow-up would be how often
18 do you shake down a house unit?

19 MR. IRVIN: You know what, we were doing
20 what is called pod of the month. Basically we'd go down,
21 we'd hit a whole housing unit, whichever one for the month.
22 We'd usually do what are called quarterly searches. And
23 then we got creative and went to the pod of the month.

24 I don't think we search down enough. I
25 don't think -- especially working day shift, there is not

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1 enough time in the day. We don't have enough resources to
2 basically go through and search as much as we need to.

3 Most of our info comes from informants, you
4 know, snitches on the yard, you know, it's -- the shanks, I
5 know for a fact that an IR was written claiming something
6 was going to go down on that yard, something big. We knew

7 that there were shanks supposedly up in the kitchen, but I
8 don't think anybody ever followed through and actually
9 searched for them.

10 MR. BURKE: Have you ever seen that IR?

11 MR. IRVIN: I never seen it personally, but
12 I know of the guy who actually wrote the IR.

13 MR. BURKE: He indicated to you that
14 something was going to go down in what respect?

15 MR. IRVIN: Right. He didn't get into
16 graphics or details. He just knew something big was going
17 to go down that was going to happen on our yard.

18 MR. BURKE: Did he indicate a date for the
19 IR?

20 MR. IRVIN: No.

21 MR. BURKE: Did he indicate the individuals?

22 MR. IRVIN: I can't recall. Basically,
23 there is a lot of things that added up that were, it should
24 have been dealt with beforehand, just the simple fact that
25 Inmate Coy, they pulled this inmate out to negotiate for

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1 our hostages, knowing that this inmate had actually called
2 his sister about three days prior, telling her to watch the
3 news on Sunday and it was recorded, you know.

4 MR. BURKE: That was Coy?

5 MR. IRVIN: Right. Coy was one of the
6 biggest ABs throughout the state. He --

7 MR. BURKE: AB, I assume Aryan --

8 MR. IRVIN: Aryan Brotherhood, right. He

9 came to Morey Unit just for the simple fact that he broke off from the Aryan Brotherhood and wanted to start his own gang. Why they pulled him out to negotiate when he was part of it and didn't bother to check it out to begin with, we'll never know.

MR. GUENTHER: To negotiate?

MR. IRVIN: They brought that inmate out to negotiate for our hostages.

MR. BURKE: How do you know that Coy told his sister to watch the news three days before --

MR. IRVIN: We got a recording, whoever our -- whoever takes care of our telephones actually had a recording of him talking to his sister telling her to watch the news, and that's another fact that was brought out.

MS. MORRISON: Have you heard it yourself?

MR. IRVIN: I haven't heard it myself. I go by -- I'm sorry, I'm the kind of guy, if my fellow officer

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1 tells me something and they know it for a fact, I'm not one that's going to sit back and judge them, okay? Integrity is everything. You know, if you don't have integrity and honesty, you're in the wrong business.

MR. BURKE: Is there some kind of alert system in place for those who listen to calls from outside individuals to an inmate?

MR. IRVIN: We used to monitor the calls ourselves in the pods, but I guess -- I believe Complex

10 does it now.

11 MR. BURKE: But is there some kind of
12 criteria or alert system that if something is said
13 suspicious on a phone call that it's written up in a way
14 that ends up in an IR of some sort?

15 MR. IRVIN: There should be. Unfortunately,
16 if nobody is listening to it and they're just recording it
17 and they don't go over it until later, you're not going to
18 know about it until after the fact.

19 MR. BURKE: So some of these calls might be
20 listened to several days after they initially occurred?

21 MR. IRVIN: Right. In the pods, we used to
22 be able to actually sit and listen, and if we suspected an
23 inmate of bringing in drugs or anything else, if we chose
24 to listen in on that inmate's phone call, we used to be
25 able to do that and they'd control them.

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1 We're no longer allowed to do that. They
2 pretty much took those out a while back. Basically, it's
3 micromanaging, taking our job away from us, trying to
4 appease the inmates more than keeping this place safe and
5 not taking care of the staff.

6 MS. MORRISON: Going back to the senator's
7 question with regard to the shanks, you said that you were
8 doing searchdowns, one a month, one pod a month.

9 MR. IRVIN: I'm going to say once a month,
10 once every couple of weeks. More than likely it was once a
11 month.

12 MR. GUENTHER: That's one housing unit a
13 month?

14 MR. IRVIN: One housing unit a month.

15 MR. GUENTHER: And what were you finding? I
16 mean, were you finding --

17 MR. IRVIN: You know, we would find anything
18 from nuisance contraband, which would be just junk to razor
19 blades to drugs. A lot of the time if we went and did the
20 search, it was more for DI 120 compliance checks. It
21 wasn't even actually to go in there and look for
22 contraband, which is the sad part.

23 We focused more on compliance and them being
24 in check and making sure the houses are nice and neat
25 instead of going in and looking for dangerous contraband

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1 that's going to hurt somebody. There's a big problem
2 there.

3 MR. GUENTHER: You said you thought the, you
4 feel pretty secure, having worked in the area for some
5 time, that the shanks were in fact in the kitchen area?

6 MR. IRVIN: Yeah.

7 MR. GUENTHER: Or do you think they could
8 have been hidden somewhere else?

9 MR. IRVIN: You know, I'm going to say they
10 could have been anywhere on the yard. We just know for,
11 from hearsay, basically, that they were actually hidden in
12 the kitchen.

13 MR. BURKE: They were not in that IR that
14 you mentioned earlier.

15 MR. IRVIN: What's that?

16 MR. BURKE: I'm sorry, I thought you had
17 mentioned earlier that the IR indicated that there were
18 shanks in the kitchen area.

19 MR. IRVIN: Right, that there were supposed
20 to be shanks in the kitchen from an IR, also, but the
21 hearsay, I mean, they could have had shanks anywhere. I
22 mean, the fact is we don't do enough searches and day shift
23 doesn't have the resources or the time to actually do
24 enough searching. That's just how we operate. We go by
25 the seat of our pants, and hopefully by the end of the day

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1 we're lucky enough to get done with feeding.

2 MR. GUENTHER: How common are shanks on the
3 Morey Unit?

4 MR. IRVIN: You know, don't let the PC
5 custody thing fool you, okay? That's just a fact. You
6 could be anywhere. It doesn't matter. The inmates are all
7 the same. If they've got a vendetta on the yard, they've
8 got a drug debt, they're going to protect themselves.

9 Anybody is going to make a shank.

10 It doesn't matter if they're GP, doesn't
11 matter if they're PC. That's the misconception. Everybody
12 thought because we're a protective custody unit that it was
13 a cake walk, that it was Disneyland, that it was no big
14 deal. You know, that just goes to show that anything could

15 happen.

16 You know, fortunately, bad things don't
17 happen every day. We have good days, we have bad days, but
18 when the bad days start outweighing the good days, things
19 need to be looked over.

20 MR. BURKE: Do you think that's a reflection
21 of Morey Unit or all units in correctional systems?

22 MR. IRVIN: You know, I want to say it's
23 going to be mostly all units. I'm pretty sure everybody is
24 running substandard. I think you go with what we can,
25 given our resources, given our time limits, given just the

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1 overall business of the day, you know, it's -- you got so
2 much to do in a day and you don't have the resources or the
3 time to get it done. Unfortunately, that's how it's been
4 run. It will probably stay that way. You can only do with
5 what you have, you know, and it's sad to say.

6 MR. GUENTHER: In your time here, how many
7 times have you encountered a shank? Too many times?

8 MR. IRVIN: Two, three times. Not a whole
9 lot.

10 MR. GUENTHER: Okay. And are they generally
11 metal shanks?

12 MR. IRVIN: No, they're made out of plastic,
13 they're made out of metal, they're made out of toothbrushes
14 with razor blades on them, just whatever they can use
15 that's going to do some damage. You know, it could be a

16 filed-down piece of plastic. Just --

17 A VOICE: Styrofoam cup.

18 MR. IRVIN: That's what we deal with every
19 day.

20 MR. RIVELAND: There was a comment earlier
21 that the normal operating procedure in the tower was to
22 leave the alert button on so that on the internal door
23 going up that the call button if pushed would open the door
24 automatically.

25 MR. IRVIN: Right. That's called our access

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1 button. Basically, that's just being complacent. It's
2 being lazy, leaving the door open, press the button, walk
3 upstairs, okay? That's the way it's been since I went to
4 Morey Unit, and it probably took this to finally make
5 people wake up and say, hey, that was a dumb move.

6 Buckley Unit was the same thing. They had
7 their admin door on access when inmates busted out the
8 window, reached in, popped the button, went in there and
9 started burning things and breaking computers and tearing
10 stuff up.

11 MR. RIVELAND: So that was normal procedure
12 in your experience?

13 MR. IRVIN: Yeah, just leave it on access.

14 MR. BURKE: Any other questions for the
15 officer?

16 I appreciate it very much, Officer.

17 MR. IRVIN: Thanks, guys. I'm off the hot

18 seat.

19 MS. LOCKHART. My name is Jan Lockhart. I'm
20 the occupational health nurse. My job here is to advocate
21 for the staff and to ensure the health and welfare of all
22 the staff.

23 I think I have a somewhat unique point of
24 view, because I was here at 8:00 in the morning on the
25 18th. My husband is a physician here. We were both called

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1 in to come in and man whatever post we could man at that
2 point and needed to take care of the staff, of course, and
3 to take care of adjunct, you know, have an adjunct job with
4 that.

5 I have been here for four years. I have
6 been an occupational health nurse for many, many years
7 beyond that, and I have an idea of how things should run
8 from a safety point of view, and I see a lot of problems.

9 I've worked very closely with the safety
10 officers here -- in fact, we have adjacent offices -- and I
11 see a lot of ignoring of basic safety practices in what we
12 do. I see a lot of morale problems. I deal with a lot of
13 stress issues because of some of the things that the
14 officers have said and some of the perceptions that
15 officers have with their supervision, some of the things
16 that supervision has with the officer staff. I see a lot
17 of problems with training.

18 When I first got here, we had a requirement

19 for one full week of classroom training. Everybody had
20 that requirement. You went through what they call CARE,
21 they used to call it FABLES, which is a quasi-BLSCPR first
22 aid thing, which is not at all a certified course. That's
23 a little dangerous. I go through a certified course
24 because I'm a medical professional.

25 We also went through other things, including

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1 CRIPA in terms of inmate supervision. There was a lot of
2 things for nonuniformed staff that were not germane, but we
3 still had to sit through them, but there are a lot of other
4 things, but then in the budget crunch of a couple of years
5 ago, our training program went down the drain.

6 That was the major thing that went down the
7 drain, and I have seen a tremendous difference in that I
8 teach communicable diseases. I had an hour class every
9 week that I taught for that, and I've seen such a
10 difference in number of bloodborne pathogen exposures, the
11 lack of understanding of how that happens, the lack of
12 care.

13 I've done inspections, and you find problems
14 with sanitation, not where the inmates are, but you find
15 sanitation problems among what the staff is required to
16 keep up; in other words, the staff bathrooms in the control
17 rooms in the tower are abominable. The issues are
18 terrible. Who would want to work here?

19 I applaud everyone who comes into this
20 institution to work because they do work in a very brave

21 manner with just a can of OC spray and whatever they have
22 learned in COTA.

23 I also teach some COTA class, especially the
24 regionals that are out here. I see the caliber of
25 individuals that they are recruiting, and it has become

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1 substandard.

2 There is no method, there is nothing in
3 place and there never has been anything in place to
4 maintain the quality of fitness among the staff in this
5 institution in the entire department.

6 You do that in the police departments, you
7 do that in the military. Why don't we do that here? We're
8 dealing with inmates who have all day to buff themselves
9 up, and then, like some of the fellows have said, we have
10 people who are so out of shape they can't walk across the
11 yard without huffing and puffing.

12 MR. BURKE: Do they provide a fitness room
13 for employees here?

14 MS. LOCKHART: They provide a fitness room,
15 but it's very small, and when you drive as far as we all
16 drive to get here, you're adding two hours to your day,
17 your workday, so you want to get home. It's a real
18 difficult thing to do.

19 I don't know what the answer is, and I'm
20 willing to work on solving that kind of a problem, but it's
21 just amazing to see how unfit people get, and they sit

22 around, and, you know, smoke all day, and we don't have any
23 preventive emphasis here in terms of health things.

24 The other thing I wanted to say is the
25 nonuniformed staff are at a great disadvantage here.

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1 Teachers are on the yards by themselves in classrooms with
2 20 inmates. Medical staff is on the yards on pill call, on
3 other things.

4 MR. BURKE: Are there cameras in those
5 classrooms?

6 A VOICE: No.

7 MS. LOCKHART: Are there?

8 A VOICE: No, and 25 inmates is the maximum
9 per class.

10 MS. LOCKHART: So you have nonuniformed
11 nontrained staff in these places.

12 MR. BURKE: So you have one nonuniformed
13 staff in a room with up to 25 inmates with no camera?

14 A VOICE: Correct.

15 MS. LOCKHART: That's correct. You have
16 pass-throughs. You're supposed to be, what, every 15
17 minutes, I think, they're supposed to come in and check and
18 all, but that doesn't always happen.

19 MR. BURKE: Now, is that for what levels --

20 MS. LOCKHART: All the levels. It's all
21 levels, because the classroom activity is mandated.

22 MR. BURKE: So you could potentially have a
23 room of 25 L IVs with one nonuniformed staff member in the

24 room without a camera?

25 MS. LOCKHART: One or two, yes, and we're

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1 talking -- one is elderly ladies. Most of them are ladies.
2 I've had one staff who was assaulted coming out of a
3 classroom when the inmate asked her to go back in and
4 retrieve something and he followed her in. That was a
5 couple of years ago, but it happens.

6 The other thing is the medical, the medical
7 staff. I was very, very concerned on being here on that
8 Sunday that we really didn't have the ability to set up a
9 good triage area. There were several alerts that the tower
10 was going to be stormed, but they neglected to realize that
11 our medical staff has absolutely nothing with which to
12 resuscitate a victim, absolutely nothing. We do not even
13 have an AED. We have fully trained --

14 MR. BURKE: I'm sorry, can you explain what
15 that is?

16 MS. LOCKHART: That's an automatic
17 defibrillator. That's something that the stewardesses use
18 on airplanes. They're in the airports in the hallways that
19 anybody can use. We don't have them. We don't have the
20 equipment for that. We have nothing whatsoever for the
21 physicians and the nurses to do their jobs.

22 MR. BURKE: Senator says they even have them
23 at the legislature for senators.

24 MS. LOCKHART: We have nothing, absolutely

25 nothing. When you consider we have 4,600 inmates or so, we

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1 have 1,300 staff and then the visitors on the weekends, we
2 have absolutely nothing, and how far are we from a
3 hospital? We are 30 miles from a hospital or any kind
4 of...

5 The nurses are constantly going into those
6 yards unaccompanied and unescorted. There is an allegation
7 that the nurses were the target of the escape attempt on
8 that Sunday. They were indeed unaccounted for for a good
9 half hour to 40 minutes before we could find out where they
10 were and if they were indeed safe.

11 MR. BURKE: You're going to need to explain
12 to me the allegation so I get a better understanding --

13 MS. LOCKHART: This was the night nurses
14 going in. They go in through the kitchen area to do their
15 insulins in the morning. They were caught in, I guess, the
16 discovery of the incident. They were, both of them,
17 handcuffed and placed on the floor like every other person
18 in the area until they could be identified.

19 One of our nurses came in early because she
20 heard it on her scanner to find out what was going on and
21 to assist, and she could not account for the two nurses.
22 She was frantic by the time we got there.

23 MR. GUENTHER: Let me ask a question --

24 MR. BURKE: Who handcuffed the nurses?

25 MS. LOCKHART: When -- when it was found and

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1 everybody was on the floor and handcuffed until they
2 identified everybody.

3 MR. GUENTHER: It's the response team.

4 MS. LOCKHART: It was a response, uh-huh.

5 That was a routine thing.

6 MR. GUENTHER: Now, are those the nurses
7 that were there to dispense medication --

8 MS. LOCKHART: Yes.

9 MR. GUENTHER: -- or were they there to
10 treat the wounded officer?

11 MS. LOCKHART: No, they were there to
12 dispense insulins to the --

13 MR. GUENTHER: What happened to the nurses
14 that came in in the van?

15 MS. LOCKHART: Those are the two nurses that
16 came in in the van. They were there to do insulins and
17 early morning meds.

18 MR. GUENTHER: But weren't they originally
19 called to treat the officer with the cut on his left cheek?

20 MS. LOCKHART: I don't believe so. Was
21 that -- Sean?

22 A VOICE: Yes.

23 MS. LOCKHART: Were they originally called
24 to do that?

25 A VOICE: Yes. No, I'm sorry, I apologize.

1 They were originally going out there to do the medication,
2 and then they were also out there to do assessments and
3 treatments at that time. It was all at the same time. But
4 initially they were out there to do the medications.

5 MR. GUENTHER: And speaking of insulin, what
6 provision is there when these units go into lockdown for
7 diabetics that are in lockdown to get insulin?

8 MS. LOCKHART: The nurse has to deliver it
9 to the cell. And that's what happened throughout the two
10 weeks, the nurses were delivering it to the cell.

11 I had a report from one nurse who had been
12 out on the yard, they were supposed to have been
13 accompanied by two officers of every unit whenever they
14 were going out to do insulins. The officers in this
15 particular instance wandered off while she was on the
16 second tier in one of the cell units on the west side, and
17 the control officer, instead of popping the cell that she
18 wanted, popped the two beside her, so she was on the second
19 tier by herself with two inmates on either side of her.

20 We have a major breakdown in training, and I
21 think that's something that is rectified by constant,
22 constant training. We don't do disaster drills, we don't
23 do any of those kinds of drills that in the normal
24 situation we would do. We don't do them for the medical
25 group like mass disaster drills there, we don't do them on

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1 the yards other than IMS training, and I haven't heard a
2 whole lot of them lately. Of course, on Buckley we don't
3 need a whole lot because that happens every week, but, you
4 know, that's --

5 MR. BURKE: What happens at Buckley every
6 week?

7 MS. LOCKHART: They have an IMS at least
8 weekly in terms of some kind of an inmate disturbance,
9 whether gassing the chow hall or other things.

10 MR. BURKE: Remind me, is Buckley Level IV?

11 MS. LOCKHART: Yes. And the other thing
12 that is disturbing is inmates are brought to the medical
13 units on the yards, and you have one officer in there.
14 Now, they're put in cages but they're just -- they just
15 walk in a lot of times.

16 You have one medical officer, and in some
17 cases the medical officer is shorter than I am; not, you
18 know, not really big enough to take care of the situations.

19 Medical staff is not trained in safety and
20 security issues in how to defend themselves, and I think
21 that's a major problem. We don't have nonuniformed staff
22 trained to defend themselves, which probably has a lot to
23 do with our -- also includes our kitchen workers, but then
24 they're contractors, so -- well, we're not responsible for
25 them, but we are because they come on the institution.

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1 But then I'm also, you know, we also deal
2 with all the aftermath of all of that. And I'm dealing
3 with six serious problems and about 12 or 15 not quite so
4 serious cases of posttraumatic stress disorder now.

5 MS. MORRISON: Have you worked at Morey?

6 MS. LOCKHART: I have been in and out of the
7 units. I go all over the institution and have been in and
8 out of all the units.

9 MS. MORRISON: So when you're talking about
10 these problems, are these problems just in Buckley or are
11 they also in --

12 MS. LOCKHART: No, they're in every
13 institution, every unit here.

14 MS. MORRISON: Same problems?

15 MS. LOCKHART: Uh-huh.

16 MR. VANDERPOOL: What was done for the
17 debriefing? You know, I'm very concerned about the stress,
18 and not only the stress you guys go through every day, but
19 this incident created tremendous stress.

20 MS. LOCKHART: It created a tremendous
21 tension --

22 MR. VANDERPOOL: What has been done --

23 MS. LOCKHART: -- while we were here, the
24 tension you could cut with a knife when we were going
25 through the situation. Afterwards, I believe our critical

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1 incident stress debriefing team went into the units.

2 There really hasn't been a whole lot of
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3 after-care, and I think you're hearing some of the anger
4 that we have here, because nobody knew, nobody had --
5 everybody lost control of the situation, tried to get it
6 back, and as a result, they're feeling frustrated and
7 they're upset with the situation because it's so different
8 and it's something that they could not control. And that's
9 a normal reaction to stuff; however, we have to debrief and
10 we have to destress that situation, and we are seeing a lot
11 of people go.

12 MR. BURKE: "Go," meaning they're leaving
13 their employment or --

14 MS. LOCKHART: Leaving their employment,
15 uh-huh. I have a lot of people who are talking about it at
16 this point, and they come in to see me and talk to me about
17 it.

18 MR. BURKE: In general or because or as a
19 result of this incident?

20 MS. LOCKHART: A lot of it is as a result of
21 this incident, in the past week and a half, there have been
22 people who have come in and said that to me.

23 Again, it's training, training, training.
24 I've done my job for a long time, and training for safety
25 issues, simple things like wearing gloves, simple things

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1 I like, you know, making sure you have the things that you
2 need to have on board. If you don't have it on board, then
3 you get it, but there is a big breakdown with that.

4 And accountability and responsibility are
5 two things that need to be fostered in the leadership. I
6 find that we put, God love them, but we put sergeants into
7 the position and we just put them there. There is no
8 leadership academy, there is no orientation to that job
9 that is a formal orientation where you come from being a
10 line officer to being a supervisor, and we all know that
11 that's a management issue that needs to -- some people need
12 a little bit more help on that and need some guidelines in
13 how to do that stuff, and we don't do that. We need to
14 have leadership academies so that we can progress on a good
15 career ladder for these people.

16 But we also can't -- like I said, we can't
17 forget our nonuniformed staff who are equally at risk who
18 did have a debriefing in medical. I was not there for most
19 of it, but it was not a pleasant situation.

20 MR. BURKE: How so?

21 MS. LOCKHART: Well, I can tell you what my
22 husband said about it. It was like, the attitude was that
23 this is a job, take it or leave it was the attitude, and it
24 was not a very supportive thing.

25 MR. BURKE: That doesn't sound like a

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1 debriefing.

2 MS. LOCKHART: It wasn't. I don't think it
3 was. But I think you need to appreciate -- the one thing
4 that I appreciated a lot was Ms. Schriro's e-mails, daily
5 e-mails to us, where she was proud of everybody and she was

6 supportive and encouraging.

7 MR. BURKE: Those were helpful?

8 MS. LOCKHART: I think they were very
9 helpful.

10 A VOICE: Here-here.

11 MS. LOCKHART: The people who have access to
12 e-mail were able to read them, and I think there was a lot
13 of help with that, you know, we weren't forgotten from
14 downtown, because downtown is thought of being an ivory
15 tower, and people are out of touch so the -- it's kind of
16 like legislated from downtown to the field, but yet the
17 reality of the field is much different than the reality
18 downtown, so we have those disconnects.

19 MR. GUENTHER: You said that you thought
20 that your critical incident debriefing team had debriefed
21 the employees of the Morey Unit.

22 Do you know that that has happened?

23 MS. LOCKHART: I know several members who
24 dealt individually -- I don't know if they did it in group,
25 or I don't know how many staff they did. We have 1,300

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1 staff, so that's a lot. And I do know they brought CISD in
2 from other institutions, so I really don't know how much
3 was involved. I know no one came near me at all throughout
4 the entire shift.

5 MR. GUENTHER: But as far as the
6 individuals, the individual corrections employees have to

7 make themselves available or ask for debriefing, or how
8 does that work?

9 MS. LOCKHART: I think it's a mutual thing.
10 The supervisor may identify someone who is having trouble
11 or the person may be comfortable enough to ask for the
12 help. I think it's a two-way situation on that.

13 MR. GUENTHER: But as far as you know, there
14 has been no employee debriefing on the Morey Unit in total
15 as far as an emotional debriefing?

16 MS. LOCKHART: I don't think so. I think
17 Mr. Irvin can probably attest to that.

18 MR. IRVIN: It was all based on individual
19 needs.

20 MS. LOCKHART: It's pretty much --

21 MR. IRVIN: It wasn't that the supervisor
22 actually told them, "Hey, you should go talk to somebody."
23 It was if the officer felt like they were stressed, needed
24 to talk, they would go see Jan, take a stress leave, talk
25 to CISD. It was all on an individual basis.

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1 MS. LOCKHART: There was no big letdown
2 where everybody could just, you know, let it out and let it
3 go. And every, every unit here was very, very tense, and
4 it was a difficult, very difficult two weeks for the staff.
5 I'm just amazed at them.

6 MR. STICKRATH: You talked about the need
7 for protective equipment, I think, for nonuniformed staff,
8 some type of protection when they're on the yard dispensing

9 medication or in the classroom.

10 What specifically do you think nurses and
11 teachers, what type of equipment do you think --

12 MS. LOCKHART: I don't think it's equipment
13 so much as I think they need to be trained in awareness of
14 surroundings, in how to defend themselves and how to call
15 for help if they need it. I think -- they don't always
16 have radios, they don't always have enough telephones. I
17 think that -- the telephone issue is being addressed, I
18 think, but one telephone in the medical office is not
19 enough. You need to have a couple of them that if you get
20 caught in one area, you can call from another area.

21 I think you need to make -- you need to have
22 a procedure where you don't have 15 inmates in the hallway
23 and one little officer, little female officer milling
24 around. You've got to control those kinds of movements,
25 and it seems that -- the nursing staff consistently will

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1 tell me that they're alone with inmates and that the
2 officers will sometimes go off and stuff, and I think
3 that's a management issue. That's something that needs to
4 be addressed. And I know that they have addressed those or
5 attempted to address those issues but haven't -- it still
6 consistently happens.

7 MR. VANDERPOOL: Is there any training for
8 the nonuniformed staff?

9 MS. LOCKHART: We have CRIPA, we have a few

10 other little things, but not really --

11 MR. VANDERPOOL: How to operate in the
12 environment of the institution and what to do if something
13 does go wrong and where to go?

14 MS. LOCKHART: We're supposed to have a new
15 employee orientation week, but now that's -- I haven't
16 taught that in that week lately ever, since about six or
17 eight months I haven't taught that. So I haven't seen any
18 really new employee orientations for nonuniformed staff. I
19 haven't seen routine kinds of things.

20 MR. BURKE: Did they exist before?

21 MS. LOCKHART: Yes, it did. We had to come
22 up here and sit and do classroom work.

23 MR. BURKE: You mentioned earlier that there
24 was training that went, and a budget crunch, they ended it.

25 MS. LOCKHART: Uh-huh.

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1 MR. BURKE: Is that some of the training
2 that existed before?

3 MS. LOCKHART: Yeah, yeah. Well, for
4 instance, my course in communicable disease was an hour
5 long. It now is supposed to be a 15-minute module that is
6 read in briefing. Well, that then becomes five minutes.

7 And like I said, I see a lot of
8 repercussions from that in the amount of bloodborne
9 pathogens and the amount of injuries that I get. My injury
10 rate in this institution is 12 percent. That's
11 unacceptable in terms of the grand scheme of OSHA.

12 MR. STICKRATH: What does that 12 percent
13 mean, I'm sorry?

14 MS. LOCKHART: That means that I have, out
15 of 1,200 people, I have actually over, about 140, I had 156
16 injuries this past year. That's an awful lot of injuries
17 for an institution that should be focusing on the safety of
18 their staff.

19 MR. VANDERPOOL: That's staff, injuries to
20 staff?

21 MS. LOCKHART: That's injuries to staff,
22 yes, sir.

23 MS. MORRISON: Was there any other reason
24 that the training stopped six or eight months ago other
25 than budgetary reasons?

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1 MS. LOCKHART: Not that I've been led to
2 believe. It was -- that was part of, the part that was, I
3 guess, deemed expendable at that point. But I'm a great
4 proponent of training, because that's the way you keep up
5 your skills and you keep learning and you keep up your
6 level of awareness. That's the only way that you can
7 really do it efficiently.

8 MR. BURKE: Anything else?

9 Thank you very, very much for coming up and
10 speaking.

11 MR. DAUGHTRY: Okay, Rodney Daughtry,
12 D-A-U-G-H-T-R-Y. I have been around corrections for, we'll

13 just say, a long time, okay, long time. And first thing I
14 want to do is I want to thank you guys for coming out here
15 to do this, giving us an opportunity to tell you how we
16 feel about it. The only thing I hope is that after the 30
17 days go by, that you get your report back to the
18 government, that you don't forget about it.

19 See, because, I don't know -- I think it was
20 him that's been corrections for a while, so he may have
21 been on a yard before and seen how prisons are run and how
22 it happens and all that kind of stuff, but most, I would
23 say I guarantee half of you have never even thought about a
24 prison or what goes on behind the walls until something
25 like this happens.

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1 Now, it's like this big glass case that sits
2 here, all right, and you break it when you need it. Now,
3 nobody wants to know what goes on behind the walls unless
4 someone, it hits the papers or it gets on the news or
5 there's an incident like this. I just hope you don't
6 forget about all this stuff six to eight months from now
7 when everything has died down, you know, and everybody has
8 forgotten about it, it stop being the talk of the news,
9 remember, we're still here, okay?

10 MR. GUENTHER: Did you identify yourself? I
11 missed it.

12 MR. DAUGHTRY: Rodney Daughtry, CO III. I'm
13 one of the counselors -- well, I don't look at it -- we're
14 supposed to be counselors, but we're programs. We do the

15 classification at what level an inmate is going to be and
16 all that kind of stuff.

17 I think everything that everybody has gotten
18 up and said, it basically boils down to retention.
19 Everything comes with experience. Experience takes time.
20 If you're not going to pay, if you're not going to pay
21 people enough money in order to keep them, make them want
22 to stay around in order to learn a job, get the experience
23 so that they can make a difference, they're not going to
24 hang around. Three-fourths of everybody who comes to DOC
25 use that as a stepping stone to go somewhere else because

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1 the pay is so lousy, to put it in a nice sense, you know.

2 When Officer Tracy was up here, she was
3 trying to explain that there is a lot of inexperience
4 around here because we have an academy that runs 24/7/365.
5 I think that's about the only law enforcement that runs an
6 academy that much. There is a reason behind that: Because
7 you can't keep anybody working here. And if you can't keep
8 anybody working here, you're always going to have that new
9 officer up in the tower, you're always going to have that
10 new officer training the newest one that just got there.

11 When I started DOC, I had an officer had
12 been there for maybe a year and a half trying to tell me
13 exactly how a yard is run, but then when someone else come
14 and said "Well, did you show him this?" "Well, I haven't
15 been shown that." How can they train someone if they don't

16 even know what's going on?

17 I'm going to -- it upset me big time when we
18 sat around for 15 days and let the two officers sit up
19 there in that tower, you know. When CISD came around and I
20 was working the grave shift and they were asking -- they
21 did come around in like the day 2 or 3 and start asking if
22 everybody was okay and all that, and there was a nice
23 chaplain who came over to me and asked me, and I told him,
24 you know, "Do me a favor. Talk to some of the other guys,
25 because you don't really want to know my input right now."

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1 You know, my question for all the agencies
2 that was in charge of this, if it had been one of their
3 females, FBI agent or female stuck somewhere, would they
4 have gone the same exact route?

5 A VOICE: Amen.

6 MR. DAUGHTRY: Would they have done the
7 exact same way if it had been their mother, their sister up
8 in the tower?

9 A VOICE: Exactly.

10 MR. DAUGHTRY: I guarantee there would have
11 been something different done, some kind of way. And I'm
12 not here to place blame to say this person messed it up and
13 all that, you know, but because DOC is looked at as the
14 knuckle draggers, you know, underpaid babysitters -- you
15 know, we get pulled over by other law enforcement agency,
16 and they, they may accidentally see your badge or your ID
17 card and they ask you where you work, and it is, it's

18 pretty much laughed upon, you know, because no one sees DOC
19 ever as a legitimate law enforcement agency, you know,
20 because every one -- no one wants to know what's going on
21 until something like this happens.

22 But to keep from trying to jump around, I
23 just want to say this and I'm going to leave, because like
24 I said, this is a really emotional thing for me. I was in
25 the Air Force for nine-and-a-half years. I was air crew

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1 life support, so I've seen a lot of people lose their lives
2 over stuff that could have been done different, you know,
3 and they're looking for -- I got a feeling that what's
4 being looked for right now is for somebody to place the
5 blame on and say "This is why that hostage situation took
6 place." And there is no way you can put the blame on one
7 person or even the two people, you know.

8 It has to go back to the training -- when
9 you're given tools to work with, you can only do so much.
10 You can only do so much of what you're given. Seven weeks
11 in that academy, well, what they call an academy down there
12 and put on a yard, supposed to get, what it actually is,
13 you're supposed to get two weeks of OJT before you're
14 working post, working by yourself. It never happens.

15 Sergeant Dudley, he's a great guy. I never
16 met him, but I stood over there and talked to him a few
17 minutes ago after we came back from the break, and I told
18 him, you know, he got good points, but he try to give the

19 diplomatic answers and want to keep everything on that
20 professional level, which is good, but in the instance of,
21 in this format here, if he's not letting it be known, there
22 is never going to be a correction to it.

23 So it goes back to if you're paying \$20,000,
24 the type of people you're going to get to come work for you
25 are going to work for \$20,000. You know, if you raise the

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1 pay up, if you give more incentives, you'll get a better
2 quality of people. You'll keep them around so that they
3 can grow with that experience and learn exactly how to work
4 a yard, because every place you go, there is no consistency
5 in DOC at all, period.

6 And we're not talking about just from this
7 yard to Perryville or to Florence. You can go on Morey
8 Unit, go in the tower, read the post orders, which are
9 supposed to be everywhere, post orders tell you exactly how
10 this place is supposed to be ran, and go right next door to
11 Buckley and read those post orders and ask one of the
12 officers who work that post constantly, and I guarantee
13 they're doing two different things, guarantee they're doing
14 two different things. There is no consistency whatsoever.

15 MS. MORRISON: Are you saying the actual
16 post orders are different or they're interpreted different?

17 MR. DAUGHTRY: Post orders may be written
18 different, they're going to be interpreted different.
19 Everybody -- you can read something, I read it, we may see
20 it two different ways, you know, but the way you're trained

21 once you get there, because they were trained that way,
22 it's not going to be the same on every yard, which, if
23 everybody was actually being trained the right way and do
24 it everywhere, it wouldn't be any kind of, "Well, what do
25 you do here on this place?" "What do you do on that yard?"

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1 Tracy was sitting up here saying where down
2 in Florence no one was able to access the tower unless you
3 were on that list, which is how it was at the last two
4 places I was. You had to be on the -- it's almost like a
5 master pass in order to get into an armed post.

6 If DOC would do it all the same, there would
7 be no question no matter where you go. A prison is a
8 prison, you know. You got people that come in, like I say,
9 you've got 70-year-old guys and females coming in as cadets
10 simply because it's easy to get in DOC. If you've got a
11 heartbeat, you breathing, you can walk, you get in. That's
12 bottom line.

13 A VOICE: Amen, brother.

14 MR. DAUGHTRY: That's bottom line. No
15 matter how you try to sugar coat it, that is it. When you
16 go to Tucson, you look at a few of those classes, I
17 guarantee you're going to see people that you will say
18 "What would he do with a 6'5" 240-pound inmate once he get
19 upset?" Nothing. Not one thing.

20 You know, and what's the cutoff rate at PD?
21 35? For a federal position, it's 35. You're not going

22 to -- because you're paid low, you lower your standards for
23 what you hire.

24 MR. BURKE: Rodney, you said you work
25 classifications?

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1 MR. DAUGHTRY: Yes.

2 MR. BURKE: What do you do for
3 classifications?

4 MR. DAUGHTRY: Here I work Level II yard.
5 That's Rast Unit. We do, we classify to tell what level
6 custody they're going to be in, what prison, what yard
7 they're going to be on and stuff like that.

8 And my comment about classification, Coy
9 should have never been working in the kitchen, anyway. He
10 should have never had access out of his cell other than to
11 go -- but because of the way DOC has this classification
12 system set up, he can work his way down to a IV-I and be
13 one of the good guys on the Level IV yard and work in the
14 kitchen.

15 MR. BURKE: So the classification system
16 here needs to be revamped, I take it?

17 MR. DAUGHTRY: Totally, totally revamped.

18 MR. BURKE: Director Schriro said last night
19 in front of this panel that the last time it was revised
20 was 1986.

21 MR. DAUGHTRY: I believe that. I can
22 totally believe that. And for her to be here for six
23 months, you know, you read in the paper and they're trying

24 to place the blame on her, you can't place blame on
25 somebody who has been here for six months when the problem

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1 has been for years.

2 A VOICE: Amen.

3 MR. DAUGHTRY: Like I said, but no one
4 looked at it until an incident like this came about. No
5 one cared. But now this is going to be in the limelight
6 for like the next two or three months. Then where will we
7 be?

8 MR. BURKE: Take Coy, for example, if he's
9 reclassified, thereby allowing him to work in the kitchen
10 duty, is that done by hand or is there a computer system
11 that does that or --

12 MR. DAUGHTRY: We have a set policy saying
13 that if -- mostly it's by time. For the institutional
14 score -- they have a P and I score, public score and
15 institutional score. Now, if you come in at Level V, the
16 lowest you can ever get to is Level III. That's for the
17 public, public score. Institutional score, you can work it
18 all the way down, and that's basically on time.

19 Now, if you get any kind of disciplinary
20 tickets or anything like that, it will bump you back up,
21 and it will take more time to work your way back down.

22 MR. BURKE: How long a period of time?

23 MR. DAUGHTRY: From a Level IV down, it's
24 like two, four, five years.

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25 MR. BURKE: So there are two separate

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1 classification systems, a public one and the institutional
2 one?

3 MR. DAUGHTRY: Yeah. Well, it's -- it's the
4 same, but you got a public score and they got an
5 institutional score. Depending on their crime, that stuff
6 is done over, predominantly done over at Alhambra, the
7 intake, which is where I just came from.

8 MR. BURKE: Is that on a computer system?

9 MR. DAUGHTRY: It's all done by computer,
10 but we have, it's policy, it's a policy that they have to
11 go by. Some of those guys meet a certain criteria to where
12 they -- it's not like we have a choice to say, "Okay, I
13 know you're a bad guy, so I want to make you a V-V." No,
14 we can't do that.

15 MR. BURKE: So you have no discretion?

16 MR. DAUGHTRY: We have no discretion. We
17 have a guideline that we have to go by, that a lot of that
18 stuff need to be relooked at. Like I say, he never should
19 have been able to work in the kitchen at all.

20 MR. RIVELAND: Why do you say that?

21 MR. DAUGHTRY: Why? Because you look at his
22 crime. You look at his history, you know. Coy had been in
23 trouble since juvenile.

24 MR. RIVELAND: But are you saying --

25 MR. DAUGHTRY: How many life sentences did

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1 he have?

2 MR. RIVELAND: Are you saying the
3 classification system is at fault or it was faulty,
4 somebody didn't use it right?

5 MR. DAUGHTRY: No, it's not that you can use
6 it right. It's just that this is the way the system is set
7 up.

8 MR. RIVELAND: But don't you have the
9 opportunity, whoever is doing the classification --

10 MR. DAUGHTRY: You have your --

11 MR. RIVELAND: -- can override --

12 MR. DAUGHTRY: -- discretion that, well, we
13 have our recommendation that we can put in, but then it has
14 to go to the deputy warden. The way it really works is we
15 can recommend something, Alhambra does the initial
16 classification when the guy first comes from county jail,
17 they recommend a certain classification that he's going to
18 be in. Nine times out of ten they recommend high. Then
19 they send it down to central office so that they can verify
20 and do their checks.

21 If it's going to be, if they know that they
22 fit in a category the way they can be lowered, they're
23 going to let central office do it because they don't want
24 to take the blame and say, "Okay, well, we put him on a
25 Level IV yard when he should have been a Level V. We'll

1 let them take the hit for that."

2 MR. RIVELAND: What you know about Coy now,
3 if he came to you and were classifying him, would you
4 recommend an override on him, given that --

5 MR. DAUGHTRY: We can recommend that, but
6 most of the time it's going to go down to central office
7 and they're going, most of the time, deny it.

8 MR. RIVELAND: Deny the override?

9 MR. DAUGHTRY: They deny it. Not too many
10 overrides go through, because right there on the Level II
11 yard that I'm on, we have guys that we know for a fact
12 should never hit a minimum yard, should never even think
13 about going to a minimum yard, just for their crimes that
14 they did, stabbed his wife in the neck 36 times with a
15 screwdriver because he's been here for so long he fit in
16 that certain category, he's on a minimum yard. And this is
17 a guy that walks around around females and around other
18 guys freely all day long.

19 MR. RIVELAND: Can you recommend
20 classification overrides both ways, up and down?

21 MR. DAUGHTRY: Well, downwise, you usually
22 don't get too many. No, way back when they used to, warden
23 and stuff used to hand pick inmates, you know, saying,
24 "Well, we got a good gardener here. We need a good
25 gardener in Safford, so we'll send him there." Used to be

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1 I like that, but it's not like that anymore.

2 MR. RIVELAND: Let me follow on this
3 classification just for one more moment, if I may. I think
4 people that have been around working with inmates for
5 several years, as you have, sort of intuitively feel where
6 this person should be. They look at the records and
7 intuitively something feels okay.

8 Of the inmates that you're running into that
9 you're classifying, are there inmates who you think, not
10 including these two, that are overclassified, that are safe
11 to be somewhere else?

12 MR. DAUGHTRY: The way I am, and everybody
13 always said I was one of the hardest, but I look at all
14 these guys are here for a reason. None of them are here
15 for being late to choir practice or singing off-key in the
16 choir. They're all here for committing a felony. An
17 inmate is an inmate.

18 You got the ones that are capital offenders,
19 murderers and stuff like that, they need to be in a certain
20 place, and if they need kitchen workers, they need to get
21 it from somewhere else.

22 MR. RIVELAND: Okay, but my question to you
23 is if you had ten inmates come to you today and the garden
24 variety of collection of inmates, they aren't all the same
25 inside the institution. They've all committed felonies on

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1 the outside, but some are, in quotes, good inmates and some
2 are threatening inmates.

3 If those ten came to you today, would the
4 classification system as it is properly classify them in
5 the way you intuitively would feel about them? Are some
6 overclassified or some underclassified or would they all be
7 classified correctly?

8 MR. DAUGHTRY: Sounds like you're asking if
9 we have a choice of whether we can judge these guys and
10 say, "Yeah, okay" -- I don't know if you, I don't know if
11 you've looked at Arizona's classification scale, but
12 everybody falls into certain areas. We don't have a choice
13 about it.

14 MR. RIVELAND: I understand. What I'm
15 saying, what I'm trying to get at is how it feels to you.
16 People who have worked in the system for a while kind of
17 have a feeling after looking at the record and talking to
18 the guy, this is what I think he should be.

19 Is your intuitive feeling consistent with
20 the Arizona classification system?

21 MR. DAUGHTRY: Not all the time, no.

22 MR. RIVELAND: How frequently --

23 MR. DAUGHTRY: I'd say maybe 50 percent of
24 the time you can look at someone and -- juvenile history is
25 not supposed to be considered, you know, but when you read

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1 back to down these guys' past and you see so many assaults,
2 there is what we call a pattern, a history pattern that

3 lets you know this guy has a history of assaults.

4 If he has that history of assaults, it's
5 always going to be there, why put him on a minimum yard?

6 MR. RIVELAND: But my question is does that
7 work both ways? Of the 50 percent you think it may not be
8 right about, are those that should be lower and those that
9 should be higher or just one of those two?

10 MR. DAUGHTRY: They got -- yeah, I think it
11 may go both ways, because you have some guy who is just an
12 average drug dealer, and because he had so much crack on
13 him, you know, he got so many years so he automatically has
14 to be in this category here.

15 Then when you got a child molester who did
16 the minimum, you know, the minimum that made him that falls
17 into that category as a child molester, he's going to wind
18 up on a PC yard because most of the inmates are not going
19 to allow him to be on the yard, but he'll be classified
20 lower than the drug dealer will.

21 MR. RIVELAND: Okay.

22 MR. DAUGHTRY: So like I say, there is a big
23 flaw in the classification system. But like I said, I'm
24 not going to sit up here and hold up a lot of time because
25 I will go, you know, it will come out in a way that I don't

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1 want it to. So --

2 MR. RIVELAND: I won't ask you any more
3 questions.

4 MR. DAUGHTRY: But I will say, like I say,
5 you raise your pay, you raise your standards, you get a
6 better quality of people. And I'm not taking anything from
7 those two officers up in the tower, because they were given
8 a job to do with the amount of time they had in the system.
9 That's where the supervisor and that's where manning
10 allowed them to be at.

11 If you had enough people here, if you pay
12 people enough money to keep them, you can have four, five
13 people in the chow hall, you can have two people in the
14 tower at all times, you know. But because we can't keep
15 anybody around, we have to cut staffing so much and manning
16 down to where -- I just had a friend of mine quit Morey
17 Unit because, he was a grave shift sergeant, quit because
18 they cut his number down from 18 to a way low number. He
19 couldn't do it.

20 And I'm not sure if you remember Sergeant
21 Fisher or not, but I worked with him for a few years when
22 he was over Alhambra, he quit because, you know -- he had
23 other issues, but he quit because they cut his manning
24 down. We go by, well, it's nighttime, it's in the kitchen,
25 there is no one there, it's okay. A lot people say it's

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1 okay because we're on this type of yard and it's this time
2 of the night or this time of the morning; nothing's going
3 to happen. DOC has always been reactive instead of being
4 proactive. We wait for something bad to happen instead of
5 correcting it along the way. That's it.

6 MR. BURKE: Thank you, sir.
 7 (Applause.)
 8 MR. BURKE: We're going to take another
 9 break here.
 10 (A recess ensued from 2:15 p.m.
 11 to 2:49 p.m.)
 12 MR. BURKE: Hi. How are you?
 13 MS. HAYES: I'm fine. My name is Eileen
 14 Hayes, and I supervise the people who are closed in
 15 classrooms with 20 inmates and no video camera. So my --
 16 MR. BURKE: You were here earlier, then,
 17 huh?
 18 MS. HAYES: Right. My partner and I work
 19 here at Lewis, and we supervise a staff of approximately 25
 20 people -- that includes technicians and instructors --
 21 because back in '98 or '99 it was mandated that inmates
 22 pass the tape test, which is an adult education test, an
 23 assessment, with an 8.0 level in language, reading and
 24 math.
 25 So our team of teachers and technicians do

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1 their level best to comply with this. That's our contract.
 2 I'm with Rio Salado, and our contract with DOC stipulates
 3 that that's what we'll do, and this past year we broke all
 4 records by having over 1,000 inmates pass the tape test.
 5 MR. BURKE: Congratulations.
 6 MS. HAYES: And we thought that that

7 was really terrific.

8 MR. BURKE: Is that a state requirement?

9 MS. HAYES: The legislature did mandate that
10 for DOC. They said if people are going to go to prisons,
11 they are going to choose some level of literacy. So we
12 call it man lit, mandatory literacy. And then, of course,
13 there will be inmates who will be able to go on to achieve
14 a GED, which is the ultimate goal, and that's what we've
15 been doing for about four years. Our staff has increased.

16 And, of course, I wanted to make this one
17 comment, that driving in this morning I was really happy to
18 hear on the radio that the Blue Ribbon Panel is not
19 conducting a witch hunt, that this is to identify the
20 problems and do something about it, which is what most
21 effective organizations do.

22 So I was very happy to hear that. And, of
23 course, the three things that stand out as identifying
24 problems have been the staff shortage, the shortage of pay
25 for the officers, and proper training.

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1 And yes, this goes for all of us. We have
2 not been trained recently. I think one of the people who
3 was up here before me talked about how the level of
4 training took a downward spiral when the cutbacks occurred,
5 and that's very true, because usually if you follow the
6 money, you can identify the problems.

7 Getting back to the classroom that has no
8 video surveillance, the libraries are also attached,

9 they're adjoining the classrooms, and they also do not have
10 any video surveillance. And the librarian is virtually
11 stuck back in the library and only has one way to get out,
12 which is a long hallway.

13 Now, she or he could come out through the
14 classroom, but we do keep those doors locked because we've
15 found in the past that we do have a problem with the
16 inmates going back and forth.

17 MR. BURKE: But an inmate is allowed to move
18 between a classroom and the library without --

19 MS. HAYES: Down a hall --

20 MR. BURKE: -- an officer?

21 MS. HAYES: -- separate hall without -- they
22 come down a hallway and they enter the library and they're
23 in the library.

24 MR. BURKE: And they could be sitting in the
25 library, and the only personnel in there is the librarian

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1 his or herself?

2 MS. HAYES: Yes.

3 MR. GUENTHER: Is the librarian secured or
4 insecured -- I mean, is she in a separate area?

5 MS. HAYES: No.

6 MR. GUENTHER: She's right there in the
7 room?

8 MS. HAYES: Right there.

9 A VOICE: She's sitting in a classroom just

10 like this.

11 MR. GUENTHER: In the library?

12 A VOICE: In the library.

13 MS. HAYES: Yes. So the most important
14 thing that the librarian and/or the instructor,
15 instructional staff, can have is the radio, because the
16 radio is really the lifeline, and we have instructed all of
17 our staff not to go into the classroom without a radio.

18 And the officers have been most gracious,
19 many times, if there is a shortage of radios, that they
20 will let the teacher have the radio and they'll get it from
21 somewhere else, but the staff do not go down in the yard
22 without a radio.

23 And you have been listening to all of us
24 talk about this, and again, to reiterate, technology is so
25 important, the Department of Corrections on-site do a good

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1 job with what they have as far as technology, but it really
2 needs to come out of the dinosaur age when it comes to
3 technology, and along with that needs to be the proper
4 training.

5 And by that, I mean if the inmates had gone
6 up to the tower and there had been a video surveillance
7 there, that the officer in the tower could say "Identify,"
8 and that person had to be seen on the video camera, it
9 would have been, I'm sure it would have not happened,
10 because the officer would have seen the face and not
11 recognized the face.

12 One of the librarians had to do some
13 legal -- what's the word I'm looking for -- delivery to the
14 inmates, and this is by law, during the lockdown, and she
15 was told by one of the officers on Morey, in order to get
16 there, "Duck and run." So that isn't exactly a comfortable
17 situation. I mean, she ended up doing it, yeah.

18 MR. GUENTHER: Well, am I to understand that
19 the law requires you to deliver legal materials under a
20 lockdown when they weren't providing medical assistance
21 under lockdown?

22 MS. HAYES: That's my understanding, sir,
23 that she was to deliver this.

24 A VOICE: Yes, that's true. I'm one of the
25 librarians.

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1 A VOICE: And medical was still providing
2 services throughout this whole thing.

3 MR. GUENTHER: I hope you're going to say
4 something, because I've got some questions later on.

5 A VOICE: I will.

6 MR. GUENTHER: Okay, thank you.

7 MS. HAYES: What we would really request,
8 and this happens perhaps on an infrequent basis, is that
9 some kind of system is set up so that the officer visits a
10 classroom sometime during the day, and especially during
11 the night shift, comes in, initials his or her name and the
12 time when they visited the classroom, for no other reason

13 but just to check to see how things are, because the
14 teachers appreciate this a lot.

15 Earlier in the day there was some discussion
16 about policy and regulation. This has always been fuzzy.
17 My understanding is that policy is something that is
18 interpretive and can change with the wind, where
19 regulations are something that are written down.

20 And that's really all I have to say.

21 Questions?

22 MR. GUENTHER: Are you enjoying your job?

23 MS. HAYES: Love it. I drive here from
24 Marana every day, round-trip. It's a beautiful drive.
25 That's all I can say. Yeah, I like my job very much.

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1 And again, I have to say that the director
2 inherited all of this in that we all are very appreciative
3 of her efforts to keep us in touch, and she's doing an
4 outstanding job. Change is difficult, and I'm sure that it
5 takes time.

6 Questions?

7 MR. BURKE: Any other questions? Thank you.

8 MR. GUENTHER: Thank you so much.

9 MS. HAYES: Thank you.

10 MR. CASPER: My name is Officer Casper. I'm
11 from Rast Unit. I was the COTA advisor for the two
12 officers that were held up in the tower. They were both
13 from the same class.

14 One of our major issues is the training.

15 Unfortunately, after they graduate from COTA, which, most
16 of the training which is taught in COTA goes in one ear and
17 out the other. They're taught something totally different
18 on the yards. They have a check sheet that they carry with
19 them the first week that they're on the yard. That gets
20 initialed off by whoever their field training officer is.

21 I'm one of the field training officers. A
22 lot of the stuff that's covered in those checklists are
23 useless to them. They're not going to remember the stuff
24 once they get through that week. Most of the stuff that we
25 do, we learn. It's not something that you -- you either

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1 come in there and you come in really hard and you learn, or
2 you come in and you sit back and you're one of the officers
3 that sit in the control room, and that's all you're happy
4 with doing. You have to take initiative and keep learning.

5 I was told by a DW when I first started, he
6 says, "I don't know everything." He goes, "I have been
7 with the Department for 18 years and I don't know
8 everything," he goes, "but I know where to go to get my
9 answers." A lot of people that we have, a lot of our
10 experienced staff that do know everything don't know
11 everything, but they think they do.

12 We have experienced officers that should be
13 on yards, running the yards as sergeants, not as officers
14 because they don't want to test for sergeant because
15 they're going to take a demotion. It's like a demotion to

16 them. They're going to take on more responsibility for
17 less money.

18 As far as, you know, pointing fingers at
19 who's at fault, I think we could start at legislature.

20 A VOICE: Amen, brother.

21 MR. CASPER: They're the ones who provide
22 the money that we operate on. Without the money, we can't
23 do anything. As far as retention, that takes money, also,
24 unfortunately.

25 We have -- as far as COTA goes, we are

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1 letting people come through this program that should not be
2 passing COTA. We had a 39-year-old lady that was going
3 through a class at Perryville who purposely failed a test
4 so she could be knocked back to the last, next class that
5 started here at Lewis because her birthday was in the
6 middle of that class, and when she did her final PT test,
7 it added five minutes to her time that she had to finish
8 in.

9 I talked to a COTA sergeant who told me that
10 they had dropped three or four classes. One of them was on
11 restraining inmates. Unbelievable.

12 MR. VANDERPOOL: They're not teaching that
13 anymore?

14 MR. CASPER: He said that was dropped from
15 the program because they would learn it when they hit the
16 yards.

17 On Rast Unit, I would say we have eight
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18 officers who are off probation on day shift. We have four
19 on swing shift. If we were to ask all these officers how
20 many restrained an inmate -- well, this is half of my unit
21 right here -- not many can tell you that they've restrained
22 an inmate in the last six, seven months.

23 I have restrained an inmate, three weeks ago
24 during this incident, I had to fully restrain an inmate,
25 and I had to think about it, and I came from a Level IV

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1 yard where restraining was a daily operation. You know,
2 they're afraid to do it, they're afraid -- not afraid to do
3 it. It's just they have to really think about it because
4 they don't want to look stupid in front of all their fellow
5 officers, but it's not nothing that's taught.

6 The ongoing training, which they're taught
7 in 15-minute modules, they'll cram four or five 15-minute
8 modules in a briefing which lasts about 20 minutes because
9 we have to hurry up and get the next shift out of here on
10 time.

11 We have positions that were cut on the yard.
12 We were told by our DW over at Buckley Unit that because we
13 had a call-in problem, that no matter what we came in with,
14 if -- our D level for operation was 24 officers, but if we
15 came in with 18 because we had six call-ins, that was our D
16 level. That's what we were going to operate with because
17 they were not going to allow us to lock down the yard for
18 another day.

19 A VOICE: When you're in D level, you're
20 supposed to lock down the unit.

21 MR. CASPER: If you're under what the
22 minimum number of officers are, by policy, you are to lock
23 the yard down, controlled movement, we would continue with
24 visitation, officers would escort from the building to the
25 visitation office where there would be three or four

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1 officers to sit in on visitation. They would be escorted
2 back to their house when they were finished.

3 They decided that the policy didn't matter,
4 but because it was a call-in issue, that if we came in with
5 18 instead of 24, 18 would be our minimum and we would
6 continue normal operations of that yard.

7 MR. GUENTHER: And what do you call that? T
8 level?

9 MR. CASPER: D level.

10 A VOICE: Dog.

11 MR. CASPER: D level staffing.

12 MR. BURKE: Who made the determination of 18
13 instead of 24?

14 MR. CASPER: That came from our DW at the
15 time.

16 MR. BURKE: That's your deputy warden?

17 MR. CASPER: That was our deputy warden. I
18 don't know if it came from somebody higher than him, but
19 that's who delivered the message to us in briefing.

20 Our sergeants are being put in positions

21 every day. Every time we have to escort an inmate to a
22 hospital, he doesn't have enough experienced staff to send
23 out with this officer because he needs to leave experience
24 on the yard so they can run the yard.

25 He's being forced to send out people with

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1 less than six months with a weapon and an inmate and
2 transport this inmate to a hospital.

3 MR. BURKE: I assume that transportation
4 takes at least half, most of the day?

5 MR. CASPER: Well, it depends. We had an
6 inmate just recently who was in the hospital for over four
7 weeks. He went in, you know, they would bring him back to
8 the yard. He should have never been on our yard to begin
9 with, but they didn't have anywhere else to put him yet, so
10 they kept sending him back to us.

11 They would send him back to us either that
12 night that they sent him back or the day after he would
13 have another heart problem and have to go back to the
14 hospital, and then we would lose two more staff members
15 that had to run up to the hospital and sit on this guy.

16 MR. BURKE: How long do you have to sit --

17 MR. CASPER: Full shift, 24 hours a day. We
18 have to have two officers on this inmate. If they have
19 room at Ward 41, like at MMC they have Ward 41, which is
20 run by Maricopa County Sheriff's Department.

21 MR. BURKE: Where's that?

021204
22 MR. CASPER: It's in MMC.
23 A VOICE: County Hospital.
24 A VOICE: Fourth floor.
25 MR. CASPER: If they have room, they will

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1 take them on and watch them for us, but if they're full,
2 they get sent to one of the other hospitals, whoever has an
3 opening, and we have to provide two officers, which takes
4 two officers away from our already short shifts that we
5 have.

6 MR. BURKE: You take two officers off the
7 shift, and they are spending their time waiting for the
8 inmate to be treated and released by the hospital somewhere
9 across town?

10 MR. CASPER: That's correct.

11 MR. IRVIN: If we have a code red inmate,
12 then you have to have one supervisor and two officers.

13 MR. CASPER: That has to go along with him
14 because he's an escape risk.

15 Our tower, which controls four gates,
16 neither one of the gates has adequate lighting. There is
17 no lights on the tower itself. The only lighting that you
18 have around the tower is a pole that's about 50 feet high.
19 That is the only lighting. There is no cameras at any of
20 those gates. All the gates that are controlled by main
21 control have cameras, but half the time, once the sun goes
22 down, you have no visual on anybody that's out there.

23 MR. GUENTHER: You're talking about Rast,
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24 right?

25 MR. CASPER: I'm talking about every unit.

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1 A VOICE: Every unit.

2 MR. CASPER: They're all basically the same
3 thing.

4 MR. GUENTHER: Inadequate lighting around
5 the tower?

6 MR. CASPER: There is no lighting, other
7 than the light pole that sits behind the tower, on the one
8 side of the tower.

9 A VOICE: And the cameras that are basically
10 facing the gates and the entry doors, once it gets dark,
11 visibility goes away.

12 MR. CASPER: You lose all visibility because
13 the lighting, the way the lighting is outside of those
14 doors, you lose all visual.

15 MR. BURKE: This has been about as long as
16 the tower has been in place?

17 MR. CASPER: As far as --

18 A VOICE: It's a construction flaw.

19 MR. CASPER: I have been with the Department
20 just less than three years, so --

21 MR. BURKE: As long as you've been here,
22 these lighting inadequacies have been a problem at the
23 tower at Rast, at Morey and Rast and the other --

24 A VOICE: Buckley.

25 A VOICE: It's every unit on the compound.

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1 MR. CASPER: I have sat in on numerous --

2 MR. BURKE: One second. I appreciate --
3 it's making it very difficult for the court reporter when
4 you all call out. It's helpful information, but if we
5 could just stick with your comments.

6 MR. CASPER: Okay. But I've been through
7 numerous CO II meetings with the warden. He holds a
8 monthly meeting and we would address issues, and every
9 meeting these come up and they've never been addressed in
10 the three years that I've been here.

11 MS. MORRISON: What's the response when you
12 bring up the lighting problems?

13 MR. CASPER: "We'll check into it with
14 maintenance and see what we can do." Basically the same --
15 it's the same story.

16 MS. MORRISON: Have there been any changes?

17 MR. CASPER: None. It's the same setup that
18 it's been.

19 MR. BURKE: You said you were the COTA
20 trainer for the two officers who were in the tower?

21 MR. CASPER: Yes.

22 MR. BURKE: Does that mean that you attend
23 COTA with them?

24 MR. CASPER: Yes, I spent the whole seven
25 weeks with them. I get temporarily reassigned to that COTA

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1 class.

2 MR. BURKE: And then when they are given
3 positions here at Lewis, do they continue to report to you?

4 MR. CASPER: No.

5 MR. BURKE: Not necessarily?

6 MR. CASPER: No, they report to Complex, and
7 then they reassign them to whatever unit they're going to
8 be assigned to. Once they get to that unit, they're
9 assigned to an FT0 for a week. They get one week of
10 training.

11 Basically they're walking around the yard
12 just soaking up a bunch of information, and it's no
13 different than COTA. They're not getting any actual
14 hands-on. They do get to do some things but not enough.

15 Like one of the things that, after their
16 week, they get assigned to a post, they're going to get
17 posted somewhere, and most of the time a new person coming
18 in gets posted to a control room. Nowhere in that check
19 sheet do they get to go and operate a control panel for any
20 part of a day to where they would feel comfortable with
21 going in there and spending a whole shift and having to
22 control doors, all the security devices for that building.

23 MR. VANDERPOOL: Before they're released
24 from this field training program this week, is there any
25 evaluation, or are they, is there any input from either the

1 field training officer or sergeant or --

2 MR. CASPER: Depending on -- it depends on
3 the person that's training them. If it's just somebody
4 that looks at the sheet and says "This is what I have to
5 cover here, you go turn this in, see you later," you know,
6 and it's not the same person every day.

7 Like I'm an FT0, but I'm also the medical
8 officer, so if I have medical that day on my unit, which I
9 sit in, I'm security for the doctor and the nurse that are
10 seeing the inmates on our yard, if I'm doing that, I can't
11 be FT0, so they're assigned somebody different.

12 And then depending on who has what days off
13 or whatever, they're -- they never end up with the same
14 person for the whole week to where they know what exactly
15 this person, and then if the person that had them before
16 covers something and doesn't sign it, then you don't know
17 what they've actually been through. You have to sit there
18 and question them, but to me it wasn't -- it's not working
19 out the way it was originally designed to give these
20 guys -- to me, hands-on is the best experience.

21 I started out on a Level IV yard, which was
22 mostly Level Vs that were -- they had no room for them, so
23 they stuck them on our yard. These are Level V inmates.
24 That's as high as they can go. And they got to walk around
25 just like any other Level IV.

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1 But they -- I started out there and I
2 I learned a lot there. I seen a lot of good stuff; I seen a
3 lot of bad stuff. I seen one of my fellow officers getting
4 shanked.

5 MR. VANDERPOOL: At COTA, how much is theory
6 classroom and how much is actual practical on-hands
7 repetitive doing things?

8 MR. CASPER: They get two days -- this is --
9 they get two days on the yard, now I believe it's in Week 5
10 of COTA. They get to go out to a yard that they're going
11 to be assigned to and they go, they get together with an
12 FTO and they have a booklet with the things that you have
13 to check off, which they're going to go through again in
14 two weeks when they come into OJT, and it's the same thing
15 that they're going through.

16 And nowhere in there is there an actual time
17 slot to say, okay, you're going in this control room for
18 this day, and you're going to spend a day of running this
19 control panel with another officer sitting there with you,
20 explaining it to you. Half the time they're getting out on
21 the shift and the officer's talking through a trap door,
22 explaining to them how to open a certain door because they
23 were never properly trained.

24 There is a lot -- there is just a lot of
25 training issues that need to continue throughout the year

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1 that are not being continued.

2 MR. STICKRATH: What's the annual training,
3 annual in-service training requirement? Is there an hour's
4 requirement and who develops that training program for the
5 annual in-service?

6 MR. CASPER: That, I'm not sure. I just
7 know that we have a book and it has all these 15-minute
8 modules in it, and I'm not exactly sure how many, but we're
9 required to go through them all each year. It's kind of a
10 paper trail thing to cover the Department's button, as far
11 as I'm concerned, because we all have to sign that we took
12 this training, and it's a supervisor sitting up there in
13 briefing, saying "Okay, today we're going to do this
14 module, this module, this module, sign these sheets, turn
15 them in," and they read them off while you're sitting there
16 in briefing. "Okay, you're posted here, you're posted
17 here."

18 MR. GUENTHER: What's a module? A tape --

19 MR. CASPER: That is a -- it's supposed to
20 be an instruction that continues each year, that we have
21 certain classes that we have to take each year that they
22 need to instruct us on, and that's what a module is. So
23 each -- it might be on communicable diseases, it may be on
24 restraining inmates, it may be on transportation, different
25 things.

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1 MR. GUENTHER: Who is supposed to instruct?

2 MR. CASPER: These supervisors read them
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3 out, turn them in, they check them off on a sheet. They
4 have a sheet that we have to do for the year.

5 MS. MORRISON: Can you explain more what you
6 mean, read them out, turn them in?

7 MR. CASPER: It's just in a book. There's a
8 signed sheet that says you went through this training.
9 It's a training log that says who went through this
10 training on what day. And we're required to have so much
11 training per year, and that's how they keep track of what
12 training we've gone through for the year by the training
13 logs. The training -- each individual course is in a book.
14 There is a stack of them about yay big.

15 MS. MORRISON: I don't want to put words in
16 your mouth. Are you saying that they sit down, they read
17 off what you need to learn, okay, you've learned it, now
18 sign off, turn it in?

19 MR. CASPER: Okay, like on communicable
20 diseases, "A communicable disease is,..." and it's just a
21 supervisor reading about what topic he's discussing for
22 that day. And he reads it, might take two minutes to read
23 it, but it's supposed to last 15 minutes, have a discussion
24 or have demonstrations, whatever, but it never turns out
25 that way.

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1 MR. BURKE: How often is there discussion?

2 MR. CASPER: No, it's usually "Just read it,
3 here's the next one, make sure you sign the sheets, and go

4 post," every yard I've been on so far. We opened up Rast
5 in May, and we went through the whole year's modules in
6 about three months.

7 MR. STICKRATH: During this shift change or
8 roll call period, preshift period of time --

9 MR. CASPER: Yes.

10 MR. STICKRATH: -- how long are officers
11 there for the roll call?

12 MR. CASPER: 20 minutes to half hour
13 before we -- we have an overlap of 40 minutes, so we're
14 usually in there 20 to 30 minutes, which gives us time to
15 go out and relieve the next shift so they can get out on
16 time.

17 MR. STICKRATH: Do I understand there are
18 multiple blocks of these 15, so you might get four
19 15-minute blocks of in-service training into a 20-,
20 30-minute --

21 MR. CASPER: If they can read fast enough,
22 we can fit in as many as four or five, but it's useless to
23 us. I would rather them pull out some restraints and do 15
24 minutes on how to restrain an inmate and have everybody go
25 through and do some practical restraint.

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1 MS. MORRISON: Is this in other units
2 outside of the unit you're in now, it's --

3 MR. CASPER: It was the same practice at
4 Buckley when I was at Buckley.

5 MS. MORRISON: Do you know if it's the same
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6 thing at Morey?

7 MR. CASPER: That, I don't know. I have
8 never been in a Morey briefing.

9 MR. GUENTHER: What about your equipment?
10 How do you feel about your equipment when you're on duty?
11 What do you think you should have that you don't have?

12 MR. CASPER: Personally, I feel I have
13 enough.

14 A VOICE: Radios that work.

15 MR. CASPER: Radios that work would be the
16 big plus.

17 MR. GUENTHER: And you think that, as far
18 as -- what do you have? Do you have --

19 MR. CASPER: I carry a can of Mace --

20 MR. GUENTHER: -- Mace?

21 MR. CASPER: -- and my cuffs.

22 MR. GUENTHER: And your radio?

23 MR. CASPER: Right.

24 MR. GUENTHER: Radios don't work that much?

25 MR. CASPER: There's certain areas where

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1 they cut off where you don't pick up any radio traffic,
2 people can't pick you up when you're in that area. There
3 are dead spots, kitchen being one of them. That happens
4 quite a bit.

5 Kitchens are quite loud, and if your radio
6 is cutting in and out, and you can barely hear it when

7 you're standing in a quiet room, it's even worse when
8 you're standing in the middle of a kitchen with 20, 30
9 inmates.

10 I was kitchen officer over at Buckley for
11 eight months, had Level IV inmates in there. I kept
12 suggesting that we get two officers in there so we could
13 have one in the office area, which is a secured area, and
14 one on the floor watching over the canteen staff. That
15 never happened.

16 We have a 1-800 number set up that's
17 supposed to address any issues that we have, and I know for
18 a fact that there was at least 80 phone calls made at one
19 time within a week's period from Buckley and not anybody
20 got called on them or anything. There was no follow-up.
21 There was no indication that they received the message and
22 was doing anything about it.

23 MS. MORRISON: And the 40 phone calls were
24 about kitchen staffing?

25 MR. CASPER: No, it was about an incident

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1 that happened on the yard. We had four staff assaults in
2 one week's period before the yard was locked down for any
3 type of disciplinary. The day that my co-worker was
4 shanked, we were back to normal operations by dinnertime.
5 The DW was on the yard yelling, "Get them guys in chow hall
6 now," without waiting for adequate staff to be in place.

7 Everything's a hurry. We're in a hurry
8 here. These guys are going nowhere. I don't know why we

9 need to be in as much of a hurry as they are yelling at us
10 on the yards to be in, but everything's expected to be done
11 by a certain time.

12 MR. GUENTHER: How do you feel about the
13 balance between concern over inmate issues and concern over
14 employee issues?

15 MR. CASPER: I think we give the inmates
16 pretty much enough. You know, if they have it coming, they
17 get it. Sometimes I feel we give them too much.

18 Things that we give them I feel are less
19 important than things that we don't give them. We have
20 inmates sitting here for 24 hours a day with nothing to do
21 but sit there and think of things to do to get in trouble.

22 A VOICE: Amen.

23 MR. CASPER: We could have programs -- we
24 have programs that are being taught by CO IIs that are
25 teaching NA classes, Narcotics Anonymous or Alcoholics

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1 Anonymous and this and that who are not trained or have no
2 idea what to even teach in these classes.

3 MR. GUENTHER: No modules --

4 MR. CASPER: It's basically a social session
5 for the inmates, is what it is. I'd rather see them
6 learning how to lay bricks or learning how to do something
7 that they could be productive on the streets when they get
8 out.

9 If we're going to spend money on programs,

10 I'd rather see them do that than having them sit in the
11 cell for 24 hours, come out for a one-hour Alcoholics
12 Anonymous class once or twice a week, which is totally
13 useless.

14 MR. GUENTHER: Obviously you were with the
15 two hostages for a while.

16 MR. CASPER: Seven weeks.

17 MR. GUENTHER: Seven weeks. So you got to
18 know them?

19 MR. CASPER: I got to know them very well.

20 MR. GUENTHER: And how did you feel that,
21 post-COTA, how prepared were they to assume a post?

22 MR. CASPER: I don't really know what
23 happened with them once they left, once they left COTA when
24 they were assigned to Morey. They weren't very prepared.
25 I know there was a lot of classes that were cut down and

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1 time frame, you know, a six-hour class that was, I believe,
2 that involved hostages, training on what to do if you're
3 taken hostage and stuff like that.

4 MR. BURKE: Your recollection was that that
5 was cut down?

6 MR. CASPER: I believe that was one of the
7 classes that was cut down from a six-hour to, it was either
8 two or three. A lot of the instructors come in and they
9 glide through their class, which is supposed to be a
10 four-hour class, they would get done in two, they wouldn't
11 show any of the instructional videos that were supposed to

12 be taught.

13 MR. BURKE: This is at COTA?

14 MR. CASPER: This was in COTA, at the
15 regional here. I had a sergeant who was -- he was in
16 charge of the class at Perryville, which was going on at
17 the same time the one that was going on here, where
18 normally they have one sergeant per class.

19 MR. BURKE: Is there tower training at COTA?

20 MR. CASPER: There was no tower training.
21 There was no training of control rooms. There was no
22 training of any of the other folks on the yard. They're
23 basically being taught, you know, how to communicate with
24 inmates. And until you actually get out there and do this
25 stuff, that stuff is just in one ear and out the other.

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1 They're retaining it long enough to pass the test at the
2 end of the week, you know, whether it takes them two,
3 three, four times.

4 When I came through, you were only allowed
5 to miss three, I think you could fail three tests before
6 you were cut out of COTA.

7 A VOICE: Two.

8 MR. CASPER: Now they're letting them take
9 three, four, five times, however long, you know, as long as
10 they pass it before we give the next test. Guys that
11 couldn't make the run, they're taken down to COTA down in
12 Tucson and they're put on a bike, and if they can get this

13 bike up to a certain speed for a certain amount of time
14 without having a heart attack, then they can come back and
15 they consider that passing. Last time I checked, we didn't
16 have any bikes to respond to IMSs.

17 MR. VANDERPOOL: COTA is seven weeks?

18 MR. CASPER: Seven weeks.

19 MR. VANDERPOOL: Do you feel that's
20 adequate?

21 MR. CASPER: No.

22 MR. VANDERPOOL: What do you feel would be
23 an appropriate time? And you've been --

24 MR. CASPER: It could be an adequate amount
25 of time. I know there is a lot of stuff that when I came

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1 through that was taught to us that is no longer being
2 taught. There is a lot of stuff with the, as far as
3 self-defense goes, that was cut, that they no longer have
4 to do.

5 There's a lot of changes from when I went
6 through in just the two, two-and-a-half, three years that I
7 went through, there's a lot of things that were cut and
8 they're being allowed to do now to retain these guys. It's
9 like a cattle ranch, just push them through, get them
10 through no matter what it takes.

11 You're only supposed to be allowed to miss,
12 I believe it's three days of classroom instruction. We
13 had, one of the cadets that made it through the program
14 that missed four full days, was late five or six times, had

15 missed five PTs, and because nobody wanted to deal with it,
16 they passed her through. And she's now working at a Level
17 IV yard. And I've talked to officers that I worked with
18 over there on that yard, and they're like, "If I had to
19 rely on this person..."

20 MR. GUENTHER: If you were to, besides
21 lighting around the towers and the fact you can't see
22 around the gates, especially after sundown, what else would
23 you change about the towers if you could?

24 MR. CASPER: I know at Rast we're still
25 operating with one officer in the tower. Even though we're

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1 a Level I and II yard, I still feel that should be two
2 officers in there, because in order for this officer who is
3 on the second level of the tower to go down and use the
4 restroom, she has to put that door on access that's at the
5 bottom of that stairwell, or whoever, him or her. They
6 have to go down and do a faced ID on whoever is trying to
7 access the tower.

8 There were some changes, you know. Now
9 we're restricted as far as who can enter the tower. They
10 have made changes for the better, but there are still
11 issues.

12 That person should -- there should be no
13 door that should be able to be put on access in a prison.
14 The doors we have in our units, you can open them from the
15 control room. You can't close them. It's all manual.

16 Once you pop that door, it's manual. You have to push it
17 to close it. I know a lot of other institutions where you
18 can open them and close them from there, from a control
19 panel. And these are Level IV yards.

20 I have been in a building where an
21 inexperienced officer popped out the whole pod that we just
22 locked down when she was supposed to start opening doors on
23 the other side, and there's no scarier feeling than being
24 up on the upper tier and have about 25, 30 inmates between
25 you and the stairway. There's just -- there's a lot of

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1 issues.

2 MR. BURKE: Any questions?

3 Thank you very much, sir.

4 (Applause.)

5 MS. SOTO: My name is Peggy Soto. I'm the
6 records supervisor, and I work at Complex.

7 I don't work on any of the units, but I have
8 a concern for my safety up here. We have no cameras in any
9 of our hallways except for when you go into main control
10 where the officers sit with the armory and they have the
11 screening for the gates to watch on camera.

12 We have a training building here where we
13 have female restrooms. We have inmates that work in here.
14 There is no camera visual anywhere in this building. So I
15 can be gone and nobody would check up on me, unless I was
16 gone more than an hour.

17 But I'm pretty well kept up to date with my
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18 staff. Every time they leave my room, I make sure they
19 come back in a certain period of time. If not, I have
20 somebody go check on them.

21 We have inmates that come in, dump our
22 garbage, there is no officer with them. My area is
23 restricted, being that I do have paperwork that involves
24 other inmates, which is all confidential.

25 We had incidents where law enforcement will

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1 come and pick up inmates' reports. They bypass my office
2 where they pick up a slip of paper to get through the gate
3 in order to get down to CIP, it's where the inmates sit and
4 wait for statewide buses or court pickups or releases.
5 They get through the gate because they're in uniform and
6 they have a law enforcement vehicle.

7 There is no safety for that officer in the
8 gate. We have a lot of people who interpret as officers.
9 If we have an officer go through, if we have law
10 enforcement go through that gate, they have no pass to get
11 in there at all. They shouldn't even be in there. They
12 should have come to see my staff first before they pick up
13 an inmate report or even to drop off an inmate.

14 MS. MORRISON: Are they given a pass or are
15 they given a document --

16 MS. SOTO: They're given a document saying
17 that this county sheriff's department is taking temporary
18 custody of the inmate in order to attend a hearing, and

19 they get a body receipt signed saying they can take the
20 inmate. It's the body receipt that's filled out.

21 Another thing is, we have four open access
22 to admin up here and there is no cameras anywhere. The
23 public can come through any door in our building. There is
24 no scanner anywhere to identify our ID cards. There is no
25 officer at every single door entrance to see us come in.

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1 If we're coming in, fine. There's no stopping us in the
2 hallway. Even if the public comes in there, people are
3 wandering around in the hallway and we have to direct them
4 where to go.

5 Another thing is, I deal with releases of
6 inmates. We've had several occasions where family comes
7 out from out of town to pick up an inmate and he's not
8 being released because they were misinformed.

9 Well, when they go down to the visitor's
10 gate to pick up the inmate, they direct the people to come
11 see me, which they're not supposed to come up to see me.
12 And when they're directed to come see me, they end up in my
13 office unescorted by an officer, which, how do I know that
14 person doesn't have a gun, how do I know they don't have a
15 weapon. You know, I do not feel safe.

16 Another thing that I think that lacks here
17 is team effort with all the officers. There is really a
18 big lack of training, and there's a lot of
19 miscommunication.

20 Some sergeants, lieutenants, captains, they

21 should be communicating with their staff and appreciate who
22 the officers are working for them. I mean, I'm not in
23 uniform and I treat all the officers with respect. I don't
24 downgrade them. I don't say they're any different than us,
25 but I just, you know, I have officers, and I can hear them

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1 in the hallway complaining, "Well, you know, my sergeant
2 said this," you know, "Why are we going here." There's
3 just -- the morale is very low, and I don't even work on
4 the unit, and I just hear it in the hallways from other
5 officers.

6 When we had the hostage situation, my
7 concern was we had law enforcement coming in, there was no
8 check-in point for each of the law enforcement. For
9 instance, just, you know, an identification badge to say
10 okay, he's on the list, he can go in, he's on the list.
11 Well, if he had a marked vehicle, you had a badge, and you
12 had a uniform or a nonuniform, you could come in.

13 So I don't think it was very secure having
14 people walk around in here with guns that were law
15 enforcement. I should think they should have had another
16 building separated from staff.

17 And another thing I was surprised is that we
18 were unprepared for our officers to stay the night, to eat.
19 There was no -- there wasn't even a tent set up for them to
20 sleep. I mean, people were sitting around in their
21 vehicles. There was not a actual point for everybody to be

22 together and sleep.

23 And our AIMS system, as far as the
24 classification, we have not had a new system, computer
25 system, since 1986 when I started with the Department.

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1 MR. BURKE: You have had the same computer
2 system that you had in 1986?

3 MS. SOTO: Yes. There are so many
4 technology now, I don't understand why we don't have that.
5 I mean --

6 MR. BURKE: So your classification system is
7 on that 1986 computer system?

8 MS. SOTO: Yes. Everything is.

9 MR. GUENTHER: Does it plug in?

10 MS. SOTO: Barely. Our network system, as
11 far as the AIMS, is outdated. They have not spent the
12 technology money for this system. And next month I will be
13 in the Department 18 years, and this is -- I have been here
14 since we've opened. It will be six years in September.

15 And I came from central office. I had a
16 fear of coming out here to work because I didn't want to be
17 around inmates. Well, that fear went away when I knew that
18 I would be out of the gate, but now that this hostage
19 situation happened, I don't know, but I'm going to stay
20 here.

21 Another thing is, too, we've gone through
22 three wardens already since we've been open, and we've only
23 been opened what, five years. There's no stability for

24 Leadership.

25 And I have been thankful that our new

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1 director did communicate on e-mail for us on this hostage
2 situation, because, yeah, we didn't know anything that was
3 going on. I mean, we were in the same building as the
4 negotiation was going on, but there was nothing really said
5 as to updates or anything unless she sent out the e-mails.

6 MR. BURKE: Questions?

7 Thank you for your 18 years of service.

8 MR. ARVALLO: My name is Steven Arvallo.

9 I'm a K9 handler here at the Lewis Complex. I've been here
10 since it opened.

11 Prior to it being opened, I used to bring
12 the work crews out from Perryville, two officers to one bus
13 with 40 inmates. There was approximately 8 to 10 officers
14 that would pick up the inmates at Perryville, bus them to
15 the complex here with a total from 120 to 160 inmates
16 working out here.

17 We had no weapons. All we had were radios.
18 Radio transmissions were real weak. Throughout this whole
19 complex, they're all spread out, one officer to
20 approximately, ranged from 20 to 50 inmates in one area.
21 The only person you had come by and check on you was like
22 maybe, not exactly every 30 minutes but almost 30 minutes.
23 That was the count officer to make accountability of the
24 inmates you were in the area with.

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25 If you've noticed the checkpoint when you

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1 first came in here today, that's been asked for since this
2 place has been open. That place, that checkpoint wasn't
3 put there until the hostage situation happened. It took a
4 hostage situation to happen for that checkpoint to be put
5 out there.

6 I work visitation on visitation weekends.
7 We would check in visitors. You come -- when you come onto
8 the site, there is a warning sign, no alcohol, no weapons,
9 no contraband of any kind should be brought in. We've
10 caught visitors with weapons, ice chests full of alcohol,
11 people driving in drunk, we've had visitors arrested here,
12 drinking in the parking lot, blowing a .24, blowing a .2.

13 Hickman work crews, one officer, 20 inmates.
14 Maricopa, the town of Maricopa, Arlington, one officer,
15 about 20 inmates, no weapons. The only way to get ahold of
16 those officers are by maybe radio, but the only
17 communication they have when they're over there at their
18 work crew to here is by phone, by telephone.

19 Those inmates there are also spread out.
20 You have some working in the chicken houses, which range
21 from maybe a quarter mile long. You have inmates that are
22 in the storage room. You have inmates driving vehicles,
23 because they have to move trailers and stuff like that.
24 It's just one officer, 20 more inmates.

25 Maricopa is approximately maybe 50-plus

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1 miles away from here. The response time to that from here
2 for anybody for a possible escape, an hour. The only
3 people that could have responded faster would be DPS, same
4 with Arlington, which is approximately 20 to 25 minutes.

5 Training that we have here is really not
6 quite where it should be. We were scheduled for a range
7 tomorrow. That's been canceled till next week. Why?
8 Haven't given a reason. I asked; they didn't get a reason.

9 The hostage situation was primarily supposed
10 to have been an escape. I'm on a chase team. I'm one of
11 the dog handlers that handles the dogs here. Had that been
12 an escape where they got out, I would have been on that
13 chase team to track them down. Maybe they had an AR15,
14 they get out with an AR15 or a shotgun.

15 I don't know how many people were here that
16 are too familiar with doing a chase following armed
17 inmates. We don't normally have armed inmates unless they
18 have a shank.

19 Mostly officers that would have been on that
20 chase were not even AR qualified to be equal with what the
21 inmates possibly would have come out with, so therefore we
22 would have been a lot lesser than what they have.

23 It seems out here that, with the inmates, we
24 can never stay above them so that if anything were ever to
25 go down we are one step ahead of them, with equipment and

1 training. Everything falls back on the training.

2 The tower, the way it was, the physical
3 structure of that, the two gates next to the tower, I think
4 that was, in my personal opinion, was a bad idea. What
5 that was was just laziness, meaning that you couldn't --
6 you didn't want to go out of your way to the administration
7 building to come down the aisle to the tower.

8 I worked at Eyman Complex, and they didn't
9 have the tower in the middle of the yard. They had a yard
10 control, which was attached to the same kind of structure
11 here, the B building, okay? And what they wanted to do was
12 build a fence from the admin building straight down all the
13 way to the yard control so that if anything were to ever
14 happen, yard going off or anything like that, they had
15 access between those two fences where inmates could not
16 have contact with officers.

17 MR. BURKE: Do you think the tower is poorly
18 placed in this --

19 MR. ARVALLO: No, the tower is fine where
20 it's at, but it's just the gates to get access to it --

21 MR. GUENTHER: In other words, you should
22 have to use the spline to --

23 MR. ARVALLO: The spline -- I thought that's
24 what the primary reason was those two fences was for access
25 to and from it without having any inmate contact.

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1 A lot of people leave here is for the pay.
2 A lot of people still stay here, what they get paid for. A
3 lot of people want more training. A lot more training, the
4 more comfortable you'll feel here knowing that you can
5 protect yourself. And a lot of that is the reason why
6 people leave is because they can't get the training. They
7 want to go somewhere else and get that training from
8 somewhere else.

9 And I think that's where we fall on
10 retention. If you have inexperienced staff here, like one
11 of the officers said before, is that you can't build a
12 foundation, you're always having to build, because if you
13 have experienced staff that are always here, you know,
14 maybe some mistakes won't happen as often. But if you work
15 shifts with people that are here less than one year,
16 they're not going to know everything. I've been here nine
17 years; I don't know everything.

18 MR. BURKE: How often does the K9 unit
19 practice escape scenarios?

20 MR. ARVALLO: Oh, you reminded me of one
21 thing. We recently had a training, actual simulation of a
22 chase, and after we did that chase, we had a debriefing,
23 and I brought it up to our deputy warden, a major, I
24 believe a captain was in there, a lieutenant, and a
25 sergeant, and I asked them, like "Are we going to do this

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1 more often? Are we going to stay on top of this, so if
2 anything ever came up, we'll be ahead of the game?" This
3 happened last year; we haven't had a simulation escape here
4 since then.

5 What happened -- what it is is based on is
6 staff shortage. We can't shut down the complex to go and
7 train for a simulation of an escape, because that stops
8 down all the, you know, work here. We can't -- they just
9 don't want to stop it. That takes staff away from the
10 yards, takes them away from operations so they can schedule
11 and get involved in this chase if it, you know, were to
12 ever happen. But most of the dog handlers, what we do is
13 we go out and we track somebody that they set a trail and
14 we set the dog on them. That's our training right there
15 that we have to maintain.

16 It's required -- in the K9 world, it's
17 required that the hounds be trained at least two times a
18 week. There is no specific on one mile for one dog, two
19 miles. It ranges. You have to train that dog for
20 different scenarios.

21 Narcotics and control work with our dual -
22 purpose dogs, that comes from downtown from our program
23 administrator that we maintain four hours of narcotic
24 training, four hours of control work, and also with the
25 hounds. See, that has to be maintained by us. That's

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1 training that needs to be conducted; therefore, you don't
2 lose the productivity on narcotics of the dog and you don't

3 lose the productivity of control work of the dog. It
4 always has to be maintained. Every year we are certified
5 with those dogs.

6 MR. GUENTHER: Do you take them home?

7 MR. ARVALLO: They stay here at the complex.

8 MR. GUENTHER: What kind of dogs do you
9 have?

10 MR. ARVALLO: They're Belgian Malinois.

11 MR. BURKE: So if there were an escape
12 tomorrow outside the facility, you're not aware of any
13 protocol that you have with DPS or the Maricopa County
14 Sheriff's Office on how you would respond to that?

15 MR. ARVALLO: If we were to respond with DPS
16 or from our escape from here?

17 MR. BURKE: Let's say, yeah, you don't do
18 any training --

19 MR. ARVALLO: I was in the last escape,
20 which was in, I believe, 2001, the two inmates that escaped
21 from Stiner in the garbage truck. We just came out and we
22 found out what was going on and we started a dog on the
23 trail.

24 MR. GUENTHER: The Hickman crews and the
25 Arlington crews, they're all Level I and IIs?

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1 MR. ARVALLO: Level Is and IIs.

2 MR. GUENTHER: And one officer per --

3 MR. ARVALLO: One officer per those inmates,

4 but then these inmates, they're in here 24/7 and they know
5 the game. They know how to break the system to where they
6 can get that lower-level custody so they can get out there
7 to the Hickmans. They know how far it is away. They know
8 how far the response time is, and that hour is their head
9 start from us chase teams to go out there and track them to
10 find out where they're at.

11 MR. GUENTHER: Those officers on those
12 crews, what are they carrying --

13 MR. ARVALLO: A radio and a cell phone,
14 maybe.

15 MR. GUENTHER: And the Mace?

16 MR. ARVALLO: Yeah, a can of Mace. Your
17 duty belt, Mace, handcuffs, protective gloves and stuff
18 like that. That's all they have over there.

19 A VOICE: ADOT crews?

20 MR. ARVALLO: And the ADOT crews, that's
21 another thing, those are the inmates that work out on the
22 highways, that officer is not armed and there's maybe 6 to
23 10 inmates, and they're walking alongside of the highways.

24 MR. BURKE: Those are L Is and L IIs?

25 MR. ARVALLO: Probably Level Is, IIs, yeah.

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1 MR. BURKE: There is not a possibility
2 for -- earlier today there was some commentary by an
3 individual who works on classification, two classification
4 systems. The L I and L II is the, those people are not
5 former L IIIs or L IVs at any point, are they?

6 MR. ARVALLO: They work their way down, and
7 when they work their way down, that's their opportunity to
8 plan for their escape, plan for taking the van hostage on a
9 work crew.

10 MR. GUENTHER: Are we talking institutional
11 score?

12 MR. ARVALLO: Yeah, that's the institutional
13 score.

14 MR. GUENTHER: That's the one you can work
15 down the easiest?

16 MR. ARVALLO: I think -- they know how to
17 work their way down.

18 A VOICE: Six months, got to keep your nose
19 clean for six months, your institutional risk score goes
20 down one point.

21 MR. BURKE: Any other questions --

22 MR. ARVALLO: But I'd just like to say I do
23 like my job, I enjoy coming to work. There's times that I
24 want to call in sick, but I know that I'm going to leave,
25 you know, the institution is short and I'm going to leave

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1 these guys, you know, without meeting that, you know.

2 I was here 13 out of the 15 days of the
3 hostage situation, and out of those 13 days, it was just,
4 you know, it just hurt that those two officers had to stay
5 up there the whole time. And, you know, my family asked me
6 at home, it's like "Well, why do you have to go to work?"

7 Put me in that tower; they would probably be there at work
8 for me, too, you know. That's all I have to say.

9 MR. BURKE: Appreciate it. Thank you very
10 much.

11 (Applause.)

12 MR. BURKE: Good afternoon.

13 MR. CROMACK: I'm Officer Cromack. I'm from
14 the Morey Unit, day shift.

15 Just a couple of things that I've just heard
16 about: One thing, unfortunately, this morning, I don't --
17 after talking to a dozen people or so, no word was
18 mentioned about this this morning in the briefing, so our
19 communication dissemination is lacking, to say the very
20 least.

21 Some people are under the impression that
22 they didn't tell anybody because they didn't want us to
23 come up here, but, then, you know, it's just one of those
24 things. And even at the end of the day, I stated that I
25 was going to come up here, and somebody said "Oh, don't

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1 bother. It's over with already." So needless to say,
2 that's kind of how things are.

3 With reference to things --

4 MR. BURKE: How did you find out about it?

5 MR. CROMACK: From somebody from another
6 unit, because they told them -- I guess it was disseminated
7 through e-mail, but most line staff members don't have
8 access to e-mail, so therefore, we don't get a whole lot of

9 things, we don't get the nice pat-on-the-back letter from
10 the director or whomever during the whose crisis and
11 whatnot unless someone was kind enough to print it out and
12 provide it to us, because there's just no other way to get
13 ahold of it.

14 And that's, from what I'm understanding now,
15 a very huge way of disseminating information through this
16 department. We get to hear pretty much what they want us
17 to hear, "they" meaning our higher echelon at our
18 particular unit.

19 Things specific to the Morey Unit, with the
20 number of custody levels that we have over there, we have
21 the Level IIs, IIIs, IVs, Vs. The mere fact that there is
22 so much yard traffic, okay, we've got education, feedings,
23 medical turnouts, library turnouts, I mean, you name it,
24 there is, at any given moment during the day, because we
25 are unfortunately kind of rushed to feed them both

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1 breakfast and lunch during our eight-hour shift, somewhere
2 in the neighborhood of probably, I don't know, on average,
3 if you were to just like to take a look out there on a
4 normal day, probably somewhere in the neighborhood of 30
5 inmates walking around in the yard. Then there is a group
6 on the rec field. Of course, they're secured on the rec
7 field.

8 The feeding turnouts, you have 100 inmates
9 in a particular pod, like, we'll say, for instance, 2 CD,

10 they turn out, there's a hundred inmates. There are
11 oftentimes where you have one officer out there trying to
12 pat search 100 inmates to make sure that they don't bring
13 any contraband items to lunch or breakfast to transfer to
14 somebody else, and then they're pat searched on the way
15 back.

16 The Level IVs get pat searched coming to and
17 from. That's to and from lunch, breakfast, or meals, to
18 and from rec. The Level IIIs don't get pat searched.
19 Problem on our yard is we have Level IIIs in building 2 and
20 Level IVs in building 2. 2 CD is half level III and half
21 Level IV. The level IIIs don't get pat searched and the
22 Level IVs do, so generally what we do is we let out the
23 Level IVs first, they get patted, then the Level IIIs come
24 out or vice versa, one group at a time, but then they go in
25 and eat together, two different custody levels.

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1 They don't rec together anymore, but that
2 just means that by the time we get done feeding, swing
3 shift is going to be here because of when they have the
4 first rec scheduled.

5 Some particular instances, cross-leveling of
6 staff, when we are short on our unit and we get staff
7 members from other units, we don't recognize them. They're
8 just somebody that shows up in a uniform. We just assume,
9 well, they're in uniform, they're an officer.

10 This particular inmate Wassenaar had a beard
11 the day before this happened. The unfortunate methodology

12 behind letting somebody access the tower, you're sitting
13 there at the control desk, you hear the beeping start. You
14 look and see what's flashing, ah, lower gate, you stand up
15 and you look down like this, and you're literally looking
16 over the top of their head.

17 You see brown, you push the button. In
18 comes an inmate. If the upper tower officer doesn't have
19 anybody on the yard, because at 5:00 in the morning there's
20 nobody out to rec, there's nobody going to eat, there's
21 nothing happening, he's usually in the middle tower
22 shooting the breeze with the middle tower officer. You
23 know, it's not a separate post entirely, though when we
24 have inmates out in the rec field and whatnot, there has to
25 be somebody in the upper tower.

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1 I think that that in fact could have
2 probably happened to any one of us, maybe not so much in
3 the daytime, but in the dark, yeah, absolutely. Just like
4 I said, you see brown, and you just hit the button.

5 I came across during the last two weeks a
6 work order in the operations lieutenant's office for
7 cameras for the kitchen, and I'm not exactly sure when it
8 was dated, I should have looked at that, but I'm thinking
9 it was like October and, you know --

10 MR. BURKE: Work order, you mean to order --

11 MR. CROMACK: Install --

12 MR. BURKE: Install?

13 MR. CROMACK: Yeah, order and install the
14 cameras for the kitchen, four additional cameras, or three
15 additional cameras, to the tune of \$4,300.

16 MR. BURKE: A recommendation or an actual
17 work order?

18 MR. CROMACK: I think it was a request.
19 Outside of that, it's just not something I'm accustomed to
20 seeing, anyway, but it was just posted on the bulletin
21 board.

22 The lady from Rio stated that, you know,
23 that she's got her teachers in the classrooms and so on.
24 At this unit we are required to do an inner perimeter
25 check. Somebody has to walk the outer perimeter once per

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1 shift, which is basically you're dragging a rake behind you
2 to cover up your footprints, but you have to set off the
3 zone alarms all the way around the unit.

4 On the inner perimeter you check all the
5 locks, you check all the doorknobs, check on the teachers,
6 check on the librarian, and it does get annotated in a
7 logbook in the library. Then it gets called in to the
8 tower to get logged in as the inner perimeter check
9 being conducted.

10 MR. BURKE: Supposed to be or actually does?

11 MR. CROMACK: Truth? It's supposed to be,
12 but, you know, unfortunately, with, you only have so many
13 people.

14 Today I was one of the yard officers. We
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15 got two yard officers, and I had to make two runs up to
16 escort inmates up to Complex Medical. So now we have one
17 yard officer, and then they pull one of the floor officers
18 off the floor of one of the buildings to go up to the
19 dining hall to sit with the inmates, so therefore there is
20 nobody in that building. It's kind of how you make it
21 spread.

22 We have in this department far too much
23 dependence on radios. Half the time these radios, you only
24 hear half of the conversation.

25 On our shift, we kind of have, it's an

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1 unwritten rule, but on three attempts at contacting
2 somebody, if nobody has a visual on them, we initiate an
3 IMS, and we go find them. If it happens that the person's
4 battery is dead or that they weren't paying attention, they
5 had it turned down, turned off or whatever, then generally
6 we reward them with the paperwork for causing the IMS.

7 The thing with grave shift, and like I said,
8 I don't know the validity of it, but somebody stated that
9 they had tried and tried and tried to contact this officer
10 to no avail. I don't know. I didn't get here -- being a
11 day shifter, I have no idea what the procedures on grave
12 shift are because you don't want to disturb somebody if
13 they're occupied, I guess; I don't know.

14 But it's just far too much dependence on
15 radios. Even like something as simple as a personal duress

16 alarm, I mean, that would -- because in all seriousness,
17 there are a lot of times where you will have one person
18 standing in the corner of a room -- you know, at COTA they
19 teach you keep your exits open to you, but we're required
20 in the dining hall to stand in the farthest corner of the
21 dining hall to check the inmates off on a count sheet that
22 they're coming in.

23 Now you've got a hundred inmates walking
24 right in front of you, and there have been situations where
25 we had one officer initiate an IMS because he felt like he

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1 was getting surrounded. And you can't be seen. You can
2 barely see it on a camera. And if you have another officer
3 at the front of the dining hall, they put this juice
4 machine right in the way and you can't see it anymore. So
5 you've got this guy standing in the corner right by the
6 food trap where they come and get their trays out.

7 MR. BURKE: So even in a room like the
8 dining room where there are cameras, they seem to be
9 inadequate?

10 MR. CROMACK: Yeah, because there's one in
11 that corner shooting that way and one in that corner
12 shooting that way, and where that officer is standing is so
13 far away from that camera up there.

14 I mean, unfortunately -- we do have the
15 observation room now where we have to put an officer in
16 this observation room, used to have a glass window, they
17 changed it to a grate with a flap. The observation room to

18 us is totally useless. It's supposed to be there for, I
19 don't know, in case the dining hall goes off, somebody
20 knows what's going on. The problem is is in our -- we have
21 no -- that person is just in there occupying space for no
22 reason whatsoever.

23 He's got no weapon. He's got a radio. He
24 can't see that officer that's standing by the trap. He can
25 see the other officer who could hopefully see the officer

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1 by the trap, but I guess at Buckley they have like an
2 Israeli fogger or something in there, which is a really
3 beefed-up tear gas canister.

4 MR. BURKE: Where is that at?

5 MR. CROMACK: At the Buckley yard, Level IV
6 right next door to us. But we don't even have that. We're
7 just posting an officer on the red side and an officer on
8 the blue side in these observation rooms to just sit there,
9 and they just basically talk to the other officer through
10 the grate all day.

11 MR. GUENTHER: What about the spline from
12 the tower and the access on that door that goes into the B
13 building from the tower? Is that occupied, that oversight
14 on either side where you can oversee the two chow halls
15 from the security of the tower spline?

16 A VOICE: That's what I think he's talking
17 about.

18 MR. CROMACK: Yeah, it's in the dining hall

19 and you access it through the spline.

20 MR. GUENTHER: You have an officer on the
21 floor doing the check?

22 MR. CROMACK: Right.

23 MR. GUENTHER: And then you have an officer
24 overseeing each dining unit from up above?

25 MR. CROMACK: Correct, right.

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1 A VOICE: No, not up above.

2 MR. CROMACK: No, they're not. They're just
3 on the floor in a room.

4 MR. GUENTHER: With the bars?

5 MR. CROMACK: With a metal waffle grate.

6 MR. GUENTHER: Waffle grate?

7 MR. CROMACK: Like, for instance, on the
8 blue-side yard, you have one in the observation room, one
9 at the trap, and one generally up by the front table, which
10 is actually by the exit door.

11 MR. GUENTHER: If something goes down in the
12 chow hall and they need to gas it, where do they gas it
13 from?

14 MR. CROMACK: Right here. (Demonstrating).

15 MR. GUENTHER: That's the observation --

16 MR. CROMACK: No, the observation room --
17 the way that the observation room is, I would be afraid to
18 expel gas from in there because the airflow would suck it
19 right back in on me, and the first thing I would do is run
20 out of there.

21 If something actually happened in that
22 kitchen, that officer that's in that far corner, or not in
23 the kitchen, sorry, in the dining room, that officer in the
24 far corner, he's in some deep trouble, because
25 realistically, he's got to get all the way across the floor

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1 and through all those inmates to get out of there. And
2 he's only got the other officer by the door who is going to
3 be keeping track of where the door is. And unfortunately,
4 it's a little bit tight. And I wouldn't want to be in that
5 situation to have -- no, it's just...

6 We have a complacency issue on our unit.
7 It's a protective segregation unit. Nothing ever happens
8 on a PS yard. Guess again.

9 MR. GUENTHER: Let me follow up on one other
10 question since you were just talking about the gas coming
11 back into the observation room.

12 What about when you use your Mace canister,
13 what's the effective range of that Mace?

14 MR. CROMACK: Supposedly, 15 feet. The last
15 time I used it, I don't think that it even affected the
16 inmates, but I had to take some time out, not like time
17 off, but I just had to go like --

18 MR. GUENTHER: Too much back spray?

19 MR. CROMACK: Oh, yeah.

20 MR. BURKE: How far was the inmate at that
21 point?

021204
22 MR. CROMACK: Six feet.
23 MR. VANDERPOOL: What's the concentration
24 that you guys --
25 MR. CROMACK: What is it? 10 percent?

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1 A VOICE: 10 percent.
2 MR. VANDERPOOL: What's the manufacturer?
3 MR. CROMACK: That's Phoenix Tactical or
4 whatever it is.
5 The yard traffic, though, like I said, with
6 education, feedings, library, medical, the yard porters,
7 maintenance, et cetera, et cetera, there's, like I said,
8 one officer generally, sometimes two, to pat search the
9 inmates coming down out of the buildings.
10 Now what they've gotten into is this kick
11 where they say, okay, it's time, for instance, for 2 CD to
12 go to eat and they will pull the floor officers from
13 building 1 is go help the floor officers from building 2 do
14 the pat searches, which then leaves no floor officer in
15 building 1.
16 For the longest time, I have gone to the red
17 yard, which is the Level II-III. The building 4 and
18 building 3 only have one floor officer per building. The
19 building 4 floor gets pulled up to be that third person in
20 the dining hall. He's generally the one that they put into
21 the observation room. So therefore, now you have nobody on
22 that floor, so the building 3 floor officer has to come
23 from building 3 and do his walk-throughs of building 4 and

24 back to building 3, and often gets pulled to put inmates
25 out on the rec field or so on and so forth.

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1 MR. GUENTHER: How many times have you found
2 something in the pat search?

3 MR. CROMACK: Outside of inmates trying to
4 bring hot sauce to flavor their food or trying to bring
5 oranges or whatnot back to their house, I have never found
6 anything.

7 MS. MORRISON: Are the inmates pat searched
8 before they go in for kitchen duty?

9 MR. CROMACK: I believe so, and they're
10 strip searched on the way out of there. They are strip
11 searched when they come out of the kitchen.

12 If I had to venture a guess as to where
13 those shanks came from, I'd say an oven rack, to be honest
14 with you, but I don't know for sure.

15 MR. GUENTHER: But along that line, where do
16 you think they were? Do you think they had them in the
17 housing unit?

18 MR. CROMACK: No.

19 MR. GUENTHER: You think they were stashed
20 in the yard or the kitchen?

21 MR. CROMACK: In the kitchen, I believe. We
22 have one officer that found a five-gallon jug of hootch in
23 the ceiling in the kitchen at one point, so he's back
24 there, five gallons of hootch, yeah, in the kitchen.

25 021204
MS. MORRISON: Are the oven racks

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1 inventoried?

2 MR. CROMACK: To be honest with you, I've
3 never worked in the kitchen, and they're going to have a
4 hard time making me, because even as of yesterday, I mean,
5 I was off for four days, I came back to work, the guy that
6 they put in the kitchen yesterday, there's generally two
7 officers in the kitchen, or one officer and a sergeant, one
8 of the guys yesterday, he's like, "I've never worked in the
9 kitchen before."

10 And unfortunately, they've gone through that
11 over and over and over again where they're going to make a
12 kitchen officer out of you by making you work in the
13 kitchen, but I don't believe that there is even anybody
14 that's going to tell you, like there wasn't with the tower,
15 how do you be a tower officer? "Well, your post order is
16 up there. Read it." Okay. Well, that doesn't tell you
17 everything you need to know. And, in truth, all you have
18 to do is qualify with an AR15 and they'll put you in a
19 tower, but they don't tell you anything other than what the
20 post order says about being reasonable or what, you know,
21 traffic you're controlling and so on.

22 We have never, that I can remember in the
23 three years I have been here, canceled anything on the yard
24 because of staffing levels. We still feed them, we still
25 send them to school. We just do it with less people.

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1 Okay, so you have to pat search by yourself or you only
2 have two officers available to sit in the kitchen, because,
3 well, nothing ever happens on a PS yard.

4 MS. MORRISON: Earlier we heard that when it
5 falls below D staffing at another yard they treat it as
6 that's the minimum staffing, so if there is 24 that were
7 supposed to be staffed, it drops to 18, it continues that
8 18 is the minimum staffing for that --

9 MR. CROMACK: They can fudge the numbers by
10 posting operations people, like, for instance, I came in
11 this morning and the posting roster was such that they had
12 all of the visitation officers posted, they had one of our
13 SSU, which, I don't know -- it's secret scroll unit, as we
14 call it, but one of those officers posted. They're not
15 able to do their jobs when they're posted, but they're
16 still required to get their jobs done when they're supposed
17 to get done.

18 And that could happen to the officer that
19 runs the store, that could happen to -- the officer that we
20 had sitting on the medical line today doesn't normally sit
21 on the medical line. We have a situation where we have a
22 lot of people doing a lot of things that they really don't
23 know what they're doing.

24 But there's nothing that tells them what to
25 do, either. They just say, "Here's your job. You need to

1 do this." And, well, you know, last thing you want to do
2 is fail at it, because the attitude is such that, well -- I
3 hate to say this, because it's not a complaint because it
4 hasn't happened to me yet, but it's as if "You know what?
5 We told you you needed to do this, you failed at it, it's
6 not our fault, it's your fault, so here's your writeup.
7 Okay, here's your pay censuring for not following the
8 directives."

9 Okay, training, the one officer was stating
10 about the training modules. The training modules -- 17
11 years in the military, okay? Training, training, training.
12 Now, these training modules, they come in an outline
13 format. So unless the person who is doing the training can
14 embellish and add to it, all they're going to do is go off
15 and tick, tick, tick, tick, tick.

16 I did one one time in two minutes just
17 because they said, "You know what? You think this is
18 funny? You do it." Fine, but we've got to watch the Blume
19 video four days in a row -- once a month?

20 A VOICE: Yeah.

21 MR. CROMACK: This video, it's Blume vs.
22 Arizona. It's in reference to inmate property. Couldn't
23 really tell you what it's about, seen it so many times, but
24 in truth, four days in a row, so that it covers all
25 people's days off, once a month.

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1 Other important issues: I saw, "Oops, I'm a
2 Hostage" video one time.

3 MR. BURKE: It's called "Whoops, I'm a
4 Hostage"?

5 MR. CROMACK: I don't know exactly what it
6 was called. What did I take out of that video? This
7 department does not negotiate for hostages. Fine. That
8 was amazing 450 days' worth of negotiation crammed into 15
9 days there with 30 negotiators.

10 No, and that's fine, but the last thing that
11 I was going to talk about was the fact that with that in
12 mind, okay, we knew that they had all these negotiators, we
13 knew that they had 15 days of negotiation, and the
14 negotiations are going well, they're going well, and all we
15 could think is what are they negotiating for, another day?
16 Because, in truth, no information came down to us.

17 I even got smart enough one day to send
18 Warden Gaspar an e-mail, inviting him to come to our
19 briefing in the morning to explain to us what was going on,
20 and -- because our people, they don't want to tell us.
21 "You don't know the big picture," we heard. And
22 unfortunately, you only could blame it on them. Nobody
23 wanted to share the big picture with us.

24 And, sure, I understand there is a need to
25 know, but when you specifically ask a question -- like we

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1 had an issue where Bachman yard and Stiner yard were going
2 to start running inmates to the dining hall, and I believe
3 this was like Tuesday of the second week. It created some
4 dissension in that it would break the continuity amongst
5 officers. The officers at Stiner and the officers at
6 Bachman were just as concerned with what was going on at
7 our yard as we were, but now they got to take their minds
8 off of that to walk inmates to the dining hall. What would
9 they really be paying attention to?

10 We brought it up. "Oh, we can't confirm or
11 deny that. We don't know," so on. Our staff, "No, that's
12 not going to happen," our leadership, "That's not going to
13 happen." The following day, we find out from one of the
14 individuals at the Stiner yard that, yes, in fact, they
15 were doing that, and yet then when we brought that news to
16 our people, they were like "No, they don't know what
17 they're talking about."

18 So it was this continual dumbing down.
19 Maybe they were trying to protect us from whatever, but as
20 adults, we ought to be able to protect, to decide for
21 ourselves what I can handle as far as knowledge and what I
22 can't handle. And it's, like I said, this barring the need
23 to know, I mean, I realize that there are certain things
24 that happen that people aren't privy to, but the last thing
25 that I think should happen was that I should go home at

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1 night and flip on the news and find out what happened at my
2 own unit that I just worked my ass off all day long.

3 And that, to me, was just really sad. We
4 didn't get to even really, in a sense, in a nutshell, we
5 were just kind of relegated to the corner of a room like
6 snotty-nosed six-year-olds. Line staff, do not enter, line
7 staff, don't go here, line staff don't go there, don't
8 bother these guys, they are much more important than you.

9 If they want to change the image, the black-
10 eye image that this department has, then it's the people
11 who work here that are going to have to change that image,
12 and unfortunately, when they're treating us as --

13 A VOICE: Less than professional.

14 MR. CROMACK: -- Less than professional,
15 thank you, it is kind of really hard to just stand up and
16 shine, you know.

17 Insultingly enough, I stopped at the
18 mailbox, just something as simple as stopping at the
19 mailbox on my way home, and a woman looked at me who
20 happened to be getting her mail at the same time and made
21 it pretty much my fault that that poor woman had to spend
22 15 days in that tower with those two animals. And I was
23 like, but if you had any idea who I'm not, you would
24 understand.

25 And unfortunately, you know, like I said,

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1 that's just like way above my pay grade, but it's a
2 terrible thing to walk around with this black-eye image.
3 And they teach it at COTA. They tell you all about this

4 department has a bad image in the media, and you need to do
5 everything that you can to maintain the professionalism and
6 so on and so forth, but it's kind of hard to do that when
7 our own leadership doesn't treat us as professionals.

8 It's like they get that information, they
9 get the information and they don't want to share it with
10 anybody. It's -- I don't know. I think, as far as morale,
11 I don't see where morale has ever been as high as it is
12 right now. The officers, regardless of where they came
13 from, what unit they were from, what complex they were
14 from, we've got officers now cross-level from Eyman, from
15 Perryville, you name it, and you know what, everybody is
16 just doing an absolutely super job of getting along just
17 wonderfully, but through this whole process, the biggest
18 difference that I've seen is the line between the line
19 staff and the supervisors has grown tenfold.

20 MR. BURKE: Since you got here?

21 MR. CROMACK: Since the last -- well, since
22 the 18th.

23 MR. BURKE: 18th.

24 MR. CROMACK: You never really know how far
25 apart that line is unless they're like giving you a

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1 negative pay censuring for something until something like
2 this happens, and now it's just huge. It's -- we didn't
3 feel that we were supported by our leadership.

4 You know, people -- humans understand
5 things, you know, we hope, anyway. We could understand why

6 we couldn't do this or why we couldn't do that or, you
7 know, but unfortunately, we just couldn't understand why we
8 were on the regular run-of-the-mill stuff, why it had to be
9 that way.

10 You know, for the last, well, three weeks,
11 we have had plenty of staff, probably not as many as they
12 would like to have when they take officers to bring them in
13 on their days off to paint the inside of the tower and so
14 on and so forth, but we've got staff from everywhere, but
15 absolutely no continuity right now.

16 The staff that we're getting, they don't
17 know the control panels. They spend half a day asking
18 questions about "Why is this place like this? Why does
19 this run like this?" And all we can tell them is "Because
20 it's a PS yard." We give our inmates, our Level IV
21 inmates, seven showers a week. It's probably the only unit
22 in the state that does that. Other Level IV inmates get
23 three, the days that they have outside rec.

24 MR. GUENTHER: Why do you give them seven
25 showers a week?

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1 MR. CROMACK: I asked that finally and I
2 actually got an answer. There is an institutional order.
3 When it started, where it came from or why, I don't know,
4 but our captain stated that there is an institutional order
5 that says that our protective segregation inmates will get
6 seven showers a week, but no further clarification as to

7 why, or why that's -- because even the policy states that
8 Level IV inmates will get three showers per week, and, you
9 know, that's one of those -- you can ask that question a
10 million times and you'll never get an answer to it.

11 And finally, you know what, I got an answer
12 to it. Of course, it didn't really -- it satisfied my
13 desire to know why they get seven showers, because there is
14 an institutional order, but it doesn't tell us why is there
15 an institutional order giving these particular inmates this
16 particular thing that you will never be able to take away
17 from them.

18 If all of a sudden we said "Nope, you're
19 back to three a week," no, they wouldn't go for it, because
20 we're there, as we were told by a lieutenant, to service
21 inmates.

22 MS. MORRISON: Are institutional orders in
23 writing?

24 MR. CROMACK: I don't know. I hope so.
25 That's a good question. No, I don't know. I've never seen

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1 one.

2 MR. BURKE: How did you get on the day
3 shift?

4 MR. CROMACK: I'm sorry?

5 MR. BURKE: How did you get on the day
6 shift?

7 MR. CROMACK: Well, I started on swings,
8 which at the time was the training shift, and after three

9 months of misery and whatnot -- well, I put in for days as soon as I got there, and it took me three months to get on to day shift.

MR. BURKE: Is that considered the best shift?

MR. CROMACK: Days? Depends on who you are. For family people, absolutely, because you're home at a good time. For single people, they could just as soon work swings because they can go out when they get home from work, but they can sleep in in the morning.

MR. BURKE: Does anyone seek out the graveyard shift?

A VOICE: Yeah.

MR. CROMACK: Yeah, there are people who do, but, you know, I couldn't really tell you why other than the fact that they might be working opposite shifts from their family, from their spouses for child care purposes,

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1 or the fact that it's four 10-hour shifts as opposed to 2 five eight-hour shifts. It's one whole less day you've got 3 to drive all the way out here.

MR. BURKE: Is there less staff seniority on 5 the graveyard shift than other shifts?

MR. CROMACK: Oh, I would say quite the 7 opposite. There's some old-timers on the graveyard shift 8 that have been with the Department for a long, long time. 9 It's just probably just comfort to them, you know. It's

10 quiet. There's no, really limited, extremely limited
11 inmate traffic. They turn out the kitchen workers at 2:00
12 in the morning.

13 I mean, realistically, that's about it.
14 They don't open doors for anything. They don't have to
15 shower inmates in the middle of the night, and everything
16 happens in day shift and swing shift. Once the 8:30 count
17 rolls around at night, everything is locked down. So they
18 go 10 hours and they don't really have to see any inmates.
19 So there is a preference that some people will have to
20 that.

21 A VOICE: You don't have to put up with
22 brass, either.

23 MR. CROMACK: True.

24 MR. BURKE: Thank you very much.

25 (Pause in proceedings.)

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1 MR. SMITH: Good afternoon, gentlemen. My
2 name is Officer Paul Smith. I serve as the Arizona State
3 Prison Complex Lewis Tactical Support Unit Entry Team
4 Leader. Sitting next to me is Sergeant Valenzuela, who is
5 our platoon leader, and behind me are several members of
6 our team.

7 My intent here today is not to point fingers
8 or place blame on any individual, but rather to illustrate
9 the Arizona Department of Corrections' and the Lewis
10 facility's failure to provide the people of Arizona, the
11 staff that worked in the prisons, and the inmates who live

12 in the prisons with an effective tactical response to
13 dangerous situations that may take place in a state prison.

14 The officers that serve as tactical officers
15 with the TSU are dedicated to the preservation of life,
16 protecting the public, safeguarding staff, and preventing
17 the loss of state property. Each officer voluntarily
18 accepts these responsibilities, takes time out of their
19 personal lives, and often spends hundreds of dollars of
20 their own money to purchase equipment and maintain a higher
21 professional standard than is expected of regular line
22 staff, knowing that they will not be compensated by the
23 Department for this in any manner.

24 In the summer of 2001, members of TSU Lewis
25 met to discuss potential threats that we were not prepared

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1 to deal with. On the top of this list was a situation of a
2 tower being taken over with hostages. We identified three
3 areas that needed to be improved in order to deal with the
4 situation such as this, should they ever occur.

5 The first of these areas that were
6 identified were personnel. The Department of Corrections
7 consistently has trouble with recruitment and retention of
8 qualified officers. This problem is magnified with TSU
9 because we attract the highest quality of officers in the
10 Department.

11 These qualities that these officers possess
12 are also the qualities that other law enforcement

13 departments throughout the State of Arizona are looking
14 for, the difference being these departments offer higher
15 pay, better work environments, better career opportunities,
16 and many other factors. Measures need to be taken to
17 improve the retention of qualified officers with the
18 Arizona State Department of Corrections.

19 The second area was identified as equipment.
20 When looking at how we would handle situations that we may
21 have to face in the course of our duties, we identified
22 specific equipment that would be needed. This included but
23 was not limited to protective equipment, breaching tools,
24 upgrades in weapons and ammunition, night vision, vehicles,
25 and optics.

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1 When attempts were made to purchase these
2 items, we were met with resistance each and every time. We
3 received responses of "You don't need these," "This will
4 never happen," or "We just don't have it in the budget."

5 It is important to realize that these items
6 that we were asking for are standard issue to other
7 tactical teams that were here at Lewis and assisting in the
8 Morey standoff. The cost of purchasing this equipment is
9 considerably less than the cost of loss of life or serious
10 injury to officers.

11 To date, we continue to purchase new
12 equipment and maintain the equipment that we already
13 possess with a budget of only \$5,000 a year. Please
14 realize that this equipment that is being asked for is not

15 the latest, greatest or High Speed Low Drag. It is simply
16 the basic equipment that would allow us to do our job.

17 Third area that we have recognized was the
18 area of training. The Department of Corrections runs one
19 basic tactical school. This is the Tactical Officers
20 Training Academy, or, for short, TOTA. After the events of
21 9/11, other law enforcement agencies throughout the state
22 increased their training of their tactical officers. When
23 the state experienced the budget shortfall in 2001 and each
24 agency was asked to cut costs, one of the first things the
25 Arizona Department of Corrections did was to shut down

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1 TOTA.

2 This left all complexes with no standardized
3 school in which to train its tactical officers. When the
4 tactical officers attempted to go to schools outside of the
5 Department, we were always denied.

6 TOTA was restarted at the end of 2002. This
7 two-year gap left TSU Lewis with over half of its tactical
8 officers with no formal tactical training. TOTA consists
9 of a 40-hour training course. For the past two years,
10 attempts have been made to expand this to 80 hours. To
11 date, this has not taken place.

12 In comparison to most tactical schools that
13 are run by other law enforcement departments, they are 80
14 hours long.

15 I'm sorry. In comparison to most tactical

16 schools that are run by other law enforcement departments,
17 they are 80 hours long. This is just the basic school.
18 Often advanced schools are required for any officers to be
19 placed in special duties such as explosive breacher, sniper
20 or spotter teams, vehicle drivers, just to name a few.

21 The Department of Corrections offer no
22 advanced schools or formal training beyond the basics. TSU
23 is allowed to train one eight-hour day each month. In
24 comparison, each of the law enforcement agencies outside of
25 the Department of Corrections in the Phoenix area or in

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1 Tucson spend at minimum 40 hours a month training. Several
2 departments throughout the area even have full-time teams.
3 Also, in comparison, the Department of Corrections for
4 California, Texas, New York, and Nevada all maintain some
5 type of full-time special response team.

6 I realize the focus of this panel is to
7 prevent anything like the incident that occurred at Morey
8 from ever happening again. However, it is important to
9 create proactive contingencies, should they occur. It is
10 also important to realize that prisons are dangerous
11 environments to work and live in and that the incidents --
12 excuse me, to work and live in, and that incidents that
13 threaten the lives of the public, staff, and inmates do
14 happen.

15 When these type of incidents do occur, it is
16 paramount that the Arizona Department of Corrections
17 provides an effective response to ensure that the lives are

18 able to be saved. Had Lewis had a full-time tactical team,
19 I believe that the Morey incident may not have escalated as
20 far as it did.

21 I would also like to commit my cooperation
22 and that of my team behind me to this panel. Any further
23 information, recommendations, or assistance that you may
24 need, please do not hesitate to ask.

25 Thank you for your time.

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1 (Applause.)

2 MR. GUENTHER: Let me just ask you a couple
3 of questions, if I can.

4 The tower simulation, what was the situation
5 that was simulated in the --

6 MR. SMITH: Actually, sir, it wasn't a
7 simulation. In fact, in this room, the team got together,
8 we discussed what potentially may happen that we were not
9 ready to deal with. On the top of that list was a tower
10 scenario similar to what happened at Morey.

11 We, in the three years that I have worked at
12 this department at Lewis Complex on the tactical support
13 unit, we have never done a full-scale scenario of any type
14 on any of the units.

15 The team itself has gone out and done
16 training where we have done scenarios. However, absent
17 from those scenarios were command and control from the
18 administration or central office.

19 MR. BURKE: You have members of your team
20 that have not been trained through TOTA, correct?
21 MR. SMITH: Correct.
22 MR. BURKE: And how long has that been going
23 on?
24 MR. SMITH: Well, to give you an example,
25 sir, when I was brought onto the team, it took two years

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1 before I went to TOTA. At that position, or at that time I
2 had already attained the position of squad leader. When I
3 went to TOTA, which was approximately six months ago, at
4 that time only one third of our team had ever had tactical
5 training of any type.
6 MR. BURKE: And that was because of a cut in
7 the budget in 2001, there was a reduction in tactical
8 training?
9 MR. SMITH: It was actually cut out all
10 together as far as a formalized school.
11 MR. VALENZUELA: It was placed on hold. It
12 was placed on hold until further notice.
13 MR. SMITH: What we did then was, as we
14 brought on new officers, like if a new recruit was brought
15 onto the TSU Lewis team, it was up to TSU Lewis to train
16 that officer through our own experiences and our own
17 training regimens.
18 MS. RUSSELL: At eight hours a month.
19 MR. SMITH: At eight hours a month.
20 MR. BURKE: Eight hours a month? And you

21 were indicating earlier that it should be closer to 40
22 hours a month?

23 MR. SMITH: Using other departments
24 throughout the area, 40 is the minimum that is used. For
25 example, Mesa Police Department, Scottsdale Police

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1 Department, Tempe and Glendale all use a 40-hour minimum
2 training schedule. That doesn't include their time that
3 they use on actual callouts, training with other
4 departments. Now, you have, such as DPS, Maricopa County,
5 and Phoenix that maintain full-time teams.

6 MR. BURKE: Do you know if there was any
7 effort when there was a reduction, elimination of the
8 training, I guess --

9 MR. VANDERPOOL: I would say hold.

10 MR. BURKE: -- hold on training, I
11 apologize, to see if the TSU team here could receive
12 training from another law enforcement entity in the state
13 as a substitute?

14 MR. SMITH: We often attempted to try to do
15 that. Both -- individual officers attempted to go to other
16 schools such as DPS SWAT school, Mesa SWAT school. Also,
17 we've tried making phone calls to Phoenix, DPS, to say "Can
18 we coordinate a day where our team can train with your
19 team?" At no time was a positive reception of those offers
20 ever made.

21 Phoenix, for example, was very open to it.

22 They wanted us to come. Our department would n't let us.

23 MR. BURKE: You would n't happen to know how
24 far up that decision was made in the Department in '01 to
25 preclude that from happening?

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1 MR. SMITH: I believe it was our warden,
2 sir. At the time our warden, excuse me.

3 MR. BURKE: At the time?

4 MR. SMITH: Yeah.

5 MR. BURKE: We're talking summer of '01?

6 MR. SMITH: '01. And it's been continuous
7 since then, sir.

8 MR. VANDERPOOL: Few questions.

9 How often do you qualify, and what are the
10 standards for the qualification?

11 MR. VALENZUELA: For weapons qualification,
12 we are mandated by policy to do it biannually, so twice a
13 year, and we go out -- we here at the Lewis Complex have
14 set a standard of 90th percentile from that of just regular
15 line staff. So if regular line staff are supposed to meet
16 this standard, we say that you have to be at this standard,
17 because we are expected to be above and beyond.

18 MR. VANDERPOOL: And what type of weapons
19 are you --

20 MR. VALENZUELA: We have a Glock 9
21 millimeter, or a Glock 17. We use M4s, which are the
22 .223s, we have an L8, which is a 37 millimeter gas gun, we
23 have the Remington 870 shotguns, which you can load with

24 various amount of, or different types of ammunitions. We
25 have a wide arrangement of handheld munitions that are not

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1 available to regular line staff that we are trained in.

2 MR. SMITH: Also a Remington 700 sniper
3 rifle, which, we have three of them applied to our team.

4 MR. VANDERPOOL: Designated snipers?

5 MR. SMITH: Correct.

6 MR. VANDERPOOL: How often do they qualify
7 and --

8 MR. SMITH: I will defer that to Sergeant
9 Travis Nelson who happens to be one of our snipers.

10 MR. NELSON: That would be once a month here
11 at Lewis. I go out and train on my own about four times a
12 month --

13 MR. VANDERPOOL: Records kept --

14 MR. NELSON: -- once a week.

15 MR. VANDERPOOL: You keep the records on
16 that?

17 MR. NELSON: Yes.

18 MR. BURKE: Can any of those weapons
19 penetrate the bulletproof glass in the towers?

20 MR. SMITH: Yes, sir, the sniper Remington
21 700, that is the only one that we have.

22 MR. NELSON: They took us out one day. We'd
23 never shot through glass, and we always asked what would
24 happen when we'd shoot through glass. Nobody knew. So

25 when this all started, they took us out there and let us

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1 shoot through some panes of glass.

2 MR. BURKE: After the 18th of January?

3 MR. NELSON: Yes, during the incident,
4 because they weren't even sure what would happen.

5 MR. VALENZUELA: And then there were also
6 some things that had occurred that wouldn't also provide
7 for an accurate shot, correct, as far as the dropping?

8 MR. NELSON: The drop -- we weren't sure how
9 the bullet would drop or what would happen to the bullet as
10 it went through the Lexon, so they wanted us to go out and
11 see what would happen, how much the bullet would drop as it
12 went through the pane of glass.

13 MR. BURKE: So the comment earlier today by
14 an individual who said that his colleague had told him that
15 the tactical team had an opportunity to take the two
16 inmates out, I think, is now -- I assume from what you're
17 saying it's being brought into question because --

18 MR. SMITH: Actually, sir, that specific
19 incident in question, what had happened was there was a
20 visual on both inmates at one particular time. The problem
21 was is that one of the sniper teams had a Remington 700,
22 which would have been able to effectively engage that one
23 inmate. However, the second position was only armed with a
24 Colt .223 round, which would not have.

25 As a result of that opportunity missed, the

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1 snipers went and changed their routine to make sure that a
2 Remington 308 would be in position at all times.

3 MR. BURKE: And did that occur before the
4 practice on the glass where you came to the conclusion that
5 the Remington would even work in that kind of situation?

6 MR. NELSON: We didn't know if the 308 round
7 would go through the glass until we went and shot through
8 it.

9 MR. SMITH: Which was towards the end,
10 iffy --

11 MR. NELSON: Towards the end of the --

12 MR. SMITH: Within the last three days.

13 MR. BURKE: Within the last three days?

14 MR. NELSON: Yeah.

15 MR. BURKE: So within the first 12 days,
16 even if the two inmates were in sight line simultaneously,
17 you weren't sure that the Remington could penetrate the
18 glass, or if it penetrated it, would be on target?

19 MR. NELSON: The reason we got to go shoot
20 the glass was because DPS took a couple pieces of glass and
21 went out and shot it, and our administrator said, "Well,
22 maybe we should know if we can do it, too," and that's what
23 happened, how we got to shoot the glass.

24 MR. RIVELAND: When you shot the glass, was
25 it flat or was it --

1 MR. NELSON: It was at, I believe it was a
2 25-degree angle, as it is in the tower --

3 MR. RIVELAND: And what was the result?

4 MR. NELSON: We put the targets four feet
5 behind the glass, and there was a drop of about an inch,
6 inch and a half.

7 MR. RIVELAND: From center --

8 MR. NELSON: Yeah. And then we shot it from
9 anywhere from a 30-degree angle to an 18-degree angle at
10 the glass to see what would happen. As the bullet went
11 through the Lexon, it stripped the jacket off the bullet so
12 you actually had two holes in the target, the one being the
13 bullet and the other one being the jacket.

14 MR. VANDERPOOL: When your team turns out,
15 how many members do you turn out?

16 MR. SMITH: We are authorized at Lewis to
17 maintain a 30-man squad. However, since Lewis has been
18 open, we have not been able to maintain a 30-men squad due
19 to the turnover rate of our personnel. Often, on average,
20 we maintain somewhere between 24 and 26.

21 MR. BURKE: But of that 24 and 26, there are
22 individuals in that group who have never done TOTA?

23 MR. SMITH: On current standards,
24 approximately half, sir. All of the -- well, maybe
25 that's -- I know of 12, sir, for sure that have not gone to

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1 TOTA.

2 MR. VANDERPOOL: In the 24, 26 that you turn
3 out, are they divided into different teams or different
4 squads?

5 MR. VALENZUELA: Different squads.

6 MR. SMITH: Yes, sir, we have three
7 different squads, 1, 2 and 3. First and second squad are
8 trained primarily in riot control, line formations, and
9 support of what we refer to as third squad is the weapons
10 squad.

11 The weapons squad, which is my squad, we are
12 responsible for weapon support during riot control
13 scenarios, also building entries, hostage rescue and close-
14 quarters battle.

15 MR. VANDERPOOL: How many members are the
16 weapons squad?

17 MR. SMITH: I maintain a five-man entry team
18 with one breacher, one TEMS, or tactical emergency medical
19 specialist, and one trailer coordinator.

20 MR. VANDERPOOL: You mentioned you have --
21 on the weapons squad, is all three snipers on the weapons
22 squad?

23 MR. SMITH: No, sir, only one team, one
24 sniper, one spotter, and then our current structure has
25 squad 2 with a second sniper and spotter positions.

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1 MR. STICKRATH: When your team met in this
2 room, I think you said you met and discussed the
3 possibility of a tower takeover some while ago, did you go
4 through the possibility of having to fire through the glass
5 and what that would entail?

6 MR. SMITH: Yes, sir, that along with many
7 other factors were discussed. We made up resolutions to
8 those factors as best we could to the knowledge we had on
9 hand.

10 Just to kind of demonstrate where our
11 thinking was, the morning that the Morey tower was taken
12 over, myself and my entry team went in and cleared out the
13 back of the D building, which was the kitchen and the --

14 MR. VALENZUELA: Kitchen prep area.

15 MR. SMITH: Thank you. Also, we pulled out
16 and then started making initial assault plans for the
17 tower. Our belief was is that our shotguns would be able
18 to penetrate through those windows using .00 buck or slug,
19 which would allow, then, a breeching round from the 37
20 millimeter to enter the tower. Had we assaulted the tower
21 with that knowledge, we would have failed.

22 We had priory asked for windows, we had
23 prior asked for technical schematics of towers, the
24 buildings, and many of the other buildings on our Lewis
25 Complex. To this date, we have not been able to obtain

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1 them. They were made present to DPS, Maricopa County
2 during the incident; however, TSU Lewis still does not have

3 that information map or those maps.

4 MR. VANDERPOOL: What equipment do you need
5 to bring your team up to optimum? Hey, I asked, so tell
6 me.

7 MR. BURKE: Here's your chance.

8 MR. VALENZUELA: You know what, we have
9 submitted a wish list, and we understand that the progress
10 in order to get our team up to snuff, because we're still
11 in our infancy stage right now, barely coming out of five
12 years, we know that a lot of this stuff is going to be
13 brand new, it's expensive, and things like that, so we know
14 that time, in order to get and acquire all of these things,
15 is going to take some time.

16 We submitted a wish list last year, I
17 believe mid last year, and the total on, total cost to
18 gather enough in order to fit certain needs, for example,
19 we wanted to outfit some halo scopes for the M4s, we wanted
20 to get some new goggles for our team members, we needed to
21 get some new Nomex gloves for our team members and so on
22 and so forth.

23 I think the total bill that we calculated,
24 and this was just without any type of discounts or
25 anything, was around \$20,000, if I'm not mistaken.

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1 MR. SMITH: And since the incident at Morey,
2 we have revised that wish list. To this date, I still
3 don't have that exact total, but I'd say it almost doubled

4 due to the fact that we have recognized the need for an
5 equipment vehicle and a potential assault vehicle, some
6 equipment that we were not apprised of, such as Naval
7 ballistic shields, some new types of night vision scopes
8 for our snipers, and some other basic protective equipment
9 that we feel we need now.

10 MR. BURKE: Just to clarify, you did state
11 that you had in the past asked for glass to practice
12 penetrating the bulletproof glass in the tower?

13 MR. SMITH: Yes, sir.

14 MR. VANDERPOOL: What type of armored
15 vehicle do you want?

16 MR. SMITH: Not even necessarily an armored
17 vehicle, sir. During the opening day of the Morey
18 incident, after we were extracting our team from the Morey
19 Unit going up to medical to prep for a possible assault, it
20 was a pickup truck with a --

21 MR. VALENZUELA: Trailer.

22 MR. SMITH: -- a small 6x4 trailer for our
23 equipment, and we had tactical officers laying on top of
24 each other inside the back of that pickup truck. That's
25 our deployment vehicle.

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1 In the past, we have used Complex support,
2 the motor pool to obtain a bus. However, that's very
3 difficult to bring onto a yard if we ever need to make a
4 vehicle entry of any type. You know, we could use a
5 standard Suburban, just modify it to our needs.

6 Like I said, we don't need the latest and
7 greatest. TSU has always been operating on bare minimum
8 budget. We have learned to adapt. You know, you'd be
9 amazed what we can do with a very small budget.

10 MR. VANDERPOOL: Does any of the other units
11 have, like Florence --

12 MR. VALENZUELA: Each unit -- each complex,
13 I should say, each complex throughout the state has a
14 designated tactical support unit, and each one has numbers
15 that fit their own needs.

16 We -- the one thing that we try and stay
17 consistent on is the methods of our training, our
18 equipment, but it falls -- it's really hard to do that
19 because you have new prisons that are coming up, and those
20 newer prisons are getting the latest technology that are
21 coming out.

22 You also have some different things, like
23 different tactical support units have augmented K9s into
24 their teams. Others have regular line staff that are used
25 for recording purposes, whether they be written or video

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1 recording. Others, they have TEMS, but they have TEMS that
2 are from the local fire department, such as Douglas.
3 Douglas Police Department, to my understanding, uses
4 Douglas TSU from the prison in order to go ahead and
5 facilitate different types of drug raids and things of that
6 nature, from what I've been told from the Douglas team

7 members.

8 Again, all of these things, there is no
9 consistency as far as any of that is concerned. The
10 training is good, good quality training from the people
11 that it comes from, and I don't want to dispute that, I
12 don't want anybody to dispute that all. However, we're
13 lacking -- we're about -- we need to be brought up to a
14 higher rung. That way we can go ahead and probably handle
15 situations that may occur like this with a little less
16 backup or maybe even none at all.

17 I think basically what I, just my personal
18 opinion in this whole entire matter is is that the bottom
19 line is is that the tactical support unit here at Lewis and
20 all the rest of them statewide, they maintained their focus
21 on the primary goal, which was those two people up in the
22 tower and getting them out safely and then getting the two
23 inmates out, and having this resolve at whatever level
24 needed to be done, whether it was a tactical resolution or
25 a peaceful resolution.

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1 And I think, based on what my people have,
2 because this is my team, based on their training and what
3 they had, they did their job and they did it to the best of
4 their abilities, and we were then shown what other agencies
5 have. And what these other agencies, what their abilities
6 are, it's just gotten these guys a lot more hungrier to
7 sponge up more of that knowledge.

8 And so with that, I think that we can do our
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9 department a great service if we get that extra training,
10 that extra equipment, that extra just know-how and how to
11 go ahead and do things and take care of business in our
12 house rather than having other people come in and flood our
13 house and then it just gets kind of watered down.

14 MR. RIVELAND: You know, that's an
15 interesting statement you're making. Somebody was talking
16 about that earlier about the other two teams being sent in
17 and you folks being told to stand down. That's an
18 interesting thing, though, and the sheriff and I were
19 talking about that at noon, and it might be helpful -- can
20 you share your experience with that, Sheriff?

21 MR. VANDERPOOL: Do you guys -- let me back
22 up. Do you ever train with like the Florence Complex
23 team --

24 MR. VALENZUELA: We do.

25 MR. VANDERPOOL: -- where all the teams get

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1 together?

2 MR. VALENZUELA: Again, our training
3 schedule is set up to where we only train once a month. It
4 has been offered to us that we go out and we train with
5 other teams, but due to the distance and locations and
6 things, sometimes that's not really always going to be a
7 reality, because Florence is approximately, I want to say,
8 80 miles, maybe even more than that --

9 MR. VANDERPOOL: It's an hour away.

10 MR. VALENZUELA: Yuma, who we are designated
11 to back up, is 150 miles down south of here. Perryville is
12 our designated backup, who relieved us 25 hours into the
13 incident after it had kicked off, is approximately 30
14 minutes out. We have already done some training with
15 Perryville, and they're very, very good about coming out
16 and training with us on our grounds.

17 I think what needs to happen is that the
18 designated backups for every institution via Perryville
19 needs to come and train with us a little bit more often,
20 learn our SOPs and things of that nature. Then we need to
21 go down to Yuma and have like maybe a couple of days set
22 aside where we can train on Yuma's ground, because we may
23 be called out to go deploy over there.

24 Florence and Eyman back each other up and
25 they're two miles away from each other.

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1 MR. RIVELAND: My point was going to be with
2 that, and I've been through a situation like that, is that
3 there's one thing when you're going in for riot control and
4 you're going to clear something out of a number of inmates
5 or whatever, there is a different situation when you have
6 colleagues who are hostages.

7 And typically, at least in experiences I
8 have had, we take someone else and send them in because
9 they -- one situation, I recall, we had 13 hostages and
10 three of the SWAT team members had, or tactical team
11 members, had relatives in there, and every one of the,

12 every one of the tactical team, the local tactical team,
13 knew all 13 of the people and had various emotional
14 attachments to them, good and bad in some cases. And so we
15 took a unit from a different facility and sent them in that
16 didn't have the attachments.

17 MR. VALENZUELA: These officers, I
18 personally wasn't too familiar, and I think there was only
19 two individuals on my team that had any type of personal
20 contact with them whatsoever. So as far as -- and that's
21 always something that's in the back of my mind as far as
22 supervising my team is to make sure that there is, they're
23 always trained physically and with their weapons
24 proficiency and what have you, but also they have that
25 emotional type of training, as well.

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1 That's something that I have never been able
2 to prepare them for until now. But again, going in with
3 that mind-set and everything, it was -- it wasn't -- it
4 wasn't an instance where we weren't going to be able to go
5 in because we had some close ties or attachments; it was
6 because we were kind of out of our element. They were
7 talking -- DPS and MCSO was talking about using EOD and
8 explosives to blow out the windows. I've seen it on TV,
9 but that's about it.

10 MR. DELGADO: At Perryville where I come
11 from, I was with the tactical team for 12 years, retired on
12 the tactical team for being somewhat of an old man back in

13 2000, but like you were saying, that type of incident, it
14 was written in the old book, you have to have a situation
15 like that where you have a hostage, the home team would
16 stand down, the new team would come in and take over.
17 That's written in the old, old book.

18 Situations still happen today, which you
19 were talking about training, we're limited to the training
20 only set forth by the Department, and we have to follow
21 that by the letter or there is consequences concerning that
22 that go beyond that. And we're all limited to what the
23 Department says, the type of training we have.

24 Also, dealing with -- when I came in the
25 Department with the tactical team, we had a 40-man team

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1 back then, back then -- I should say the olden days, but it
2 was cut back because of budgets, a situation like that, we
3 have all these brand new sniper rifles that only became
4 because we all got together and said, hey, we need better
5 equipment, and we all fought for that.

6 But the same thing today, we need better
7 equipment. It's going to cost us, yes, it's going to cost
8 us, but we need it, we need this equipment, we need the
9 additional training, we need the extra hours to train with
10 this new equipment. This is the new age, people. We need
11 this stuff here. We have the technology, but you're not
12 giving us the training or equipment to do this stuff with.

13 The situation that happened over here, I'm
14 sorry it happened, it was going to happen, inmates were

15 talking about this, and it happened. They just caught us
16 with our pants down.

17 And when I came in the Department with the
18 tactical team, I felt angry watching MCO and everybody else
19 come into this unit almost like it was taken over. I'm
20 sorry, we had people that could do that, but the problem
21 is, we're not trained for it, we don't have the equipment.
22 Let's take care of our own people. Let's take care of our
23 own problems. That's what it's supposed to be.

24 In case of a riot situation, yes, we're good
25 for that, we know how to take care of that, because we have

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1 been trained to do that stuff. But when it comes to
2 hostage stuff like that, we're in the infancy right now.
3 We don't know that much yet. We talk about it, we train a
4 little bit about it, but when it really comes down to it,
5 do we really know what we're doing? No, we don't have the
6 equipment.

7 We need the training, we need the hours for
8 this stuff, and I'm backing these guys up because I believe
9 what they're doing. I have been with them 12 years, and
10 once you're part of that type of team, no matter where you
11 go, you're always part of that team, you know what they're
12 doing and what they're asking for.

13 A VOICE: Amen.

14 MR. DALGADO: I'm for these guys and I say,
15 hey, let's get this stuff going, because what I did back

16 then is helping them out right now.

17 Can I say also one more thing? I liked what
18 happened basically with the negotiation team, but also,
19 this is through training, I got to be part of the
20 negotiation team, I know what they're training about, we've
21 had class, many classes during the old years and stuff. I
22 knew what they were doing.

23 I almost predicted the time that this was
24 all going to end. I knew it was going to take two weeks.
25 I was like right on. I know what's going on. But the

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1 problem is, you have officers over here that don't know
2 what a negotiating team does or say or anything.

3 And I've been bringing this up, we need to
4 train the field officers, line officers, what negotiation
5 is all about.

6 MR. BURKE: That's a really good point.

7 MR. DELGADO: If they understood exactly how
8 it was set up, what it does, my God, you wouldn't have
9 anybody be complaining, saying, "Who came, and what
10 location they came in?"

11 "Oh, we have Tucson coming in." "Oh, we
12 have Phoenix coming in." "We got FBI coming in." "Oh,
13 yeah, they're the best." They would have been proud. Oh,
14 yeah, we've got the best of the best coming in.

15 But you know what? They don't know nothing
16 about it, how they work or anything, and all of a sudden
17 they're, all they do is just complaining what's going on

18 right now. Everyone, you know, "Hey, let's get it done,
19 let's get it done quick" and all that stuff. This isn't a
20 movie, people. This is real life. This is life and death.

21 I don't care if we won a medal for the
22 longest we had this thing. Who cares? People came out
23 alive. That's what makes it through this. Negotiation
24 worked. Training, let's have some classes concerning
25 negotiation, tell these people what negotiating is all

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1 about, how long it works and all that good stuff.

2 They need training. This means statewide.
3 You get less problems and less confusion, and you have
4 better support with the officers knowing that the
5 Department of Corrections is taking care of their own by
6 this, not just having a bunch of snipers on top of a roof
7 like that. I'm sorry -- yeah, everybody wants to see
8 blood. My God, when you have a tactical nightmare like
9 that damn tower, excuse me language, negotiation is going
10 to work, it's going to work, it's going to take some time,
11 but people need to know how it's working and why it's
12 working.

13 Let's get these people trained in this
14 stuff. Let's have some classes, have some negotiators come
15 in from statewide, whatever, tell us what it's all about.
16 I know what it's all about. A lot of these people don't
17 know. And I was for this. I was happy to see -- once I
18 saw the FBI come down, they say, "Who are they?" "Oh, wow,

19 way to go, DOC." I knew what it was about and was proud
20 when that happened.

21 But these other people are just, "Oh, we
22 should have shot them, we should have done this." I'm
23 sorry, I wasn't in there, I didn't know the decisions made,
24 I know they were being handled the proper way, the best
25 way. And that's basically what I'm going to say right now.

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1 Thank you for that.

2 MR. BURKE: Super. Thank you. Very
3 compelling by all three of you and the sergeant. Thank you
4 very much.

5 MR. GUENTHER: And if you can give your
6 names to our stenographer to help identify you on the
7 record.

8 (A recess ensued from 4:55 p.m.
9 to 5:15 p.m.)

10 MR. BURKE: Officer Diller, how are you?

11 MR. DILLER: Pretty good.

12 MR. BURKE: We have 5:15. We're going to go
13 for another 15, 20 minutes.

14 MR. DILLER: This will be real quick.

15 I'm Officer Diller. I have been with the
16 Department for two-and-a-half years. I'm sitting in for
17 the swing shift from the Rast Unit because she had to go
18 back. Her sergeant is posted for her right now, so she has
19 to go back to work.

20 A few things that she wanted to bring up,
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21 right now there are 27 on swing shift at the Rast Unit.
22 There's four that are off probation. That means there's 13
23 with less than six months.

24 The other thing is, one of the problems that
25 we're having is the vanpools and the equipment that they're

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1 using. To get everybody out here requires a lot of
2 coordination and everything with vanpools and everything
3 like that.

4 Right now they're having a problem with the
5 vehicles are breaking down, they're not being maintained.
6 These are also the same vehicles that are used for
7 transporting inmates to and from the medical units, like
8 Maricopa County Hospital, Thunderbird Hospital, West Valley
9 Hospital. And there have been times that the chase
10 vehicle, if an inmate is a code red and there has to be a
11 chase vehicle with them, the chase vehicle has blown a tire
12 and all of a sudden there is no chase vehicle. Now, you
13 can't stop with the inmate when you're transporting him.
14 You have no chase vehicle. You have no third person with,
15 you know, with the transport.

16 So that is probably just one of the smaller
17 things that need to be addressed, but we would appreciate
18 it. And that's about all. Everything else was pretty much
19 gone over.

20 MR. RIVELAND: Would local law enforcement
21 be helpful in a situation like that?

22 MR. DILLER: Since we have custody, I don't
23 know whether that would, you know, come into play. Since
24 we are doing the transport, I suppose the local law
25 enforcement could be contacted, but we have radios in the

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1 vehicles that we have to contact DOC with, and if DOC then
2 could get a, you know, another department to help out, they
3 probably could, but from what I've seen, Maricopa County
4 Sheriffs are just as busy as we are, so...

5 MR. GUENTHER: How long have you been here
6 at the Department now?

7 MR. DILLER: Two-and-a-half years.

8 MR. GUENTHER: And you were saying that you
9 got 27 on swing?

10 MR. DILLER: Yes, 27 officers.

11 MR. GUENTHER: Only four are off probation?

12 MR. DILLER: Yes.

13 MR. GUENTHER: So you have 23 less than six
14 months?

15 MR. DILLER: No, there is only 13 that are
16 less than six months, so the others are within the six
17 months and one-year period.

18 MR. GUENTHER: One year. Wow. So that's 10
19 within six months and one year?

20 MR. DILLER: Right. And this yard is, Rast
21 is going to be a IV-V yard.

22 MR. GUENTHER: Now it's --

23 MR. DILLER: Now it's a II.

24 MR. GUENTHER: Thank you very much.
25 MR. BURKE: Thank you, sir.

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1 MR. BYBEE: My name is Officer Bybee. I
2 have been with the Rast Unit approximately nine months, a
3 fairly new officer. And just on the lines of staffing,
4 since I have been there nine months, we have gone -- I know
5 of 26 officers that have left, either transferred to other
6 units or are no longer working there, went to other jobs,
7 and also two more that are slated to leave here within the
8 next week or two and have already put in their
9 resignations.

10 MR. BURKE: Did they put them in after the
11 incident on the 18th?

12 MR. BYBEE: Yes. I know one was related to
13 the incident, and the problem, his wife was having problems
14 dealing with it, and he made the right choice to leave, and
15 the other one was a wage issue.

16 MR. BURKE: How are you dealing with it?

17 MR. BYBEE: I'm fine. My wife is real good
18 and I'm doing just great. I have no problems.

19 MR. GUENTHER: Would you like to work at
20 Morey?

21 MR. BYBEE: I will work wherever I'm asked
22 to work.

23 MR. GUENTHER: Good. But, I mean, do you
24 like higher security or lower security?

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25 MR. BYBEE: I have never worked higher

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1 security, but I'm going to get the opportunity to do that
2 and I'm looking forward to that.

3 MR. GUENTHER: Very good.

4 MR. VANDERPOOL: Is there a pay difference
5 working higher classification from --

6 A VOICE: No, sir. Only on a lockdown unit.

7 MR. GUENTHER: Level V?

8 A VOICE: There's a hazardous pay on it.

9 MR. OSBORNE: You get \$60 extra a month to
10 work at a hazardous unit.

11 MR. BYBEE: That's basically all I have.

12 MR. BURKE: Thank you, Officer. I
13 appreciate that.

14 MR. GUENTHER: 60 or 16?

15 MR. OSBORNE: 6-0, sir.

16 MR. TORRES: I'm Officer Torres. I have
17 been in Arizona for five years. I'm also a training
18 officer. I'm a firearm instructor. I teach almost 50
19 percent of the classes that the officers take at COTA. I
20 do all the refresher training here, almost all the classes.

21 Training is fairly well. It's just a lack
22 of money and we're able to do. Officers get to qualify
23 with the weapons once a year. In my opinion, that's not
24 enough.

25 MR. BURKE: How often do you think they

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1 should be trained?

2 MR. TORRES: At least every six months. At
3 the minimum, six months. And firing 50 rounds is not
4 enough for an officer.

5 MR. BURKE: That shooting training, is that
6 COTA?

7 MR. TORRES: They do COTA to qualify, and
8 after they qualify COTA, once a year, they're mandated to
9 qualify with their weapons.

10 MR. BURKE: Where do they do that at?

11 MR. TORRES: We have a range right out here.

12 MR. BURKE: So you have your own range?

13 MR. TORRES: Yes, sir.

14 MR. BURKE: But they only do it once a year?

15 MR. TORRES: Once a year.

16 MR. VANDERPOOL: Any FATS training, firearm
17 automated training system --

18 MR. TORRES: Yeah, we have a discretionary
19 shoot, yes, sir, we do, but it's very limited. Our
20 training -- like we have our guidelines what we have to
21 teach, and myself and my partner back there, sometimes we
22 teach our curriculum just to show them of our experience.

23 I've been fortunate to have -- I've trained
24 outside of the Department before I came here, and I have
25 given a lot of my knowledge to them. Now, if I was able to

1 teach everybody, like if you have standard trainers to
2 teach officers every day with more knowledge and where we
3 have more money, I'd say at least six months, every six
4 months, because you have somebody qualifying once a year,
5 it's not enough.

6 It won't make you proficient with that
7 weapon. And the situation comes that you have to shoot
8 somebody, pretty much once a year is not going to cut it,
9 realistically.

10 Also, on the tower, we also, we were talking
11 about it before, to make a specialty post, where those
12 tower officers are posted there every day where you don't
13 have a constant change of new officers so their routine
14 is -- they know what the routine is every day. They get
15 special training with the AR. We also, we have done it, we
16 have done night shoots with them before.

17 MR. GUENTHER: And you're on TSU?

18 MR. TORRES: No, sir.

19 MR. GUENTHER: Would you like to be on TSU?

20 MR. TORRES: No, I have done that too many
21 years ago. I was in the Marine Corps. I was on the FATS
22 team.

23 MR. GUENTHER: As far as, which unit are you
24 working?

25 MR. TORRES: Stiner, sir.

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1 MR. GUENTHER: How long have you been here?

2 MR. TORRES: Here, Arizona, five years.

3 MR. GUENTHER: In --

4 MR. TORRES: In DOC, Arizona, five years.

5 And the question you had asked about the
6 chase vehicle? If the vehicle actually breaks down,
7 they're able to contact DOC Central, whether they have MCSO
8 either pick up the chase, or what we do is we'll have
9 Alhambra also meet the chase vehicle at the hospital if
10 something goes down with that chase vehicle.

11 MR. BURKE: Any other questions for Officer
12 Torres?

13 Thank you very much.

14 MR. OSBORNE: Officer Clark Osborne from
15 Rast Unit. And one thing, I have been around for just two
16 years, but for me, we were here talking about the tower. I
17 have stood many a watch in the tower, along with Officer
18 Diller, and for me, I think the tower, to keep these
19 towers, they need to have another level put on to them, and
20 it goes back to training.

21 At the range, when you qualify with the
22 AR15, you do it for 100 yards. Most anything on the rec
23 field is within the 100 yards. Anything after that, you're
24 out of the 100-yard range that you're trained on, and also,
25 there is a fence there from the upper tower, so if anything

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1 happens in front of the buildings, because policy states
2 you will not shoot through a fence, which I can understand
3 that, but the tower is very limited, their area of
4 operation.

5 They can visualize, call IMS, try and direct
6 people over there, but it came time to use lethal or
7 nonlethal firing, most of the yard is out of their
8 capabilities.

9 MR. VANDERPOOL: When you do AR15 training
10 or the qualification, is it from ground level or --

11 MR. OSBORNE: It's --

12 MR. VANDERPOOL: -- do you fire from
13 elevated --

14 MR. OSBORNE: No, it's from ground level. I
15 hear tell they were getting ready to try to go from upper
16 elevation, but then again, the only area that you're going
17 to be able to shoot is from the B building to A building
18 and onto the rec yard.

19 MR. GUENTHER: So everybody that occupies a
20 post in the tower has qualified on an AR15?

21 MR. OSBORNE: If you're going to be on the
22 upper tower and carry the AR, you are qualified on the
23 AR15. The middle tower at times is manned with a guy just
24 down there keeping records, keeping a log. If he's doing
25 that, he's not qualified on the AR. But if they need a

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1 second person up there, he is qualified on the shotgun. He
2 can grab a shotgun up and serve as a backup that way, sir.

3 MR. GUENTHER: So they're either posted on
4 the console or they're posted --

5 MR. OSBORNE: To the upper tower.

6 MR. GUENTHER: Upper tower.
7 Do you like the upper tower?

8 MR. OSBORNE: I have stood many a watch up
9 there, sir. I kind of enjoy it. You get the bird's-eye
10 view. You're watching everything that's going on on the
11 yard, and you see a lot of stuff that -- you direct traffic
12 further, because I was on Level IV yard, and you direct
13 traffic.

14 You know, like somebody said "I'm sending
15 these inmates," "No, you're not, because we've got this
16 going on," you know. You're a little bit more in control
17 than even the yard officer is, because nothing is going to
18 flow on that yard unless you give authorization.

19 MR. BURKE: Someone recommended earlier
20 today that those in the tower manning the AR15 should also
21 have a Glock handgun.

22 What are your thoughts on that?

23 MR. OSBORNE: A Glock handgun?

24 MR. GUENTHER: To protect the other weapons.

25 MR. OSBORNE: To protect the other weapons?

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1 Well, to quarterback and hindsight 20/20 situation here,
2 no, actually, I don't think you would need to because,
3 again, when somebody came to push you to get into the gate

4 to the tower, we're always asked to identify. If I don't
5 recognize -- if you can't see him and you don't recognize
6 the voice, you get a supervisor down there to do the
7 identification for you, or the other officer in the tower
8 would go down and make them come to the window and do the
9 physical identification.

10 I would say when I came up on Buckley, I had
11 some good supervisors there that trained us very well, in
12 fact, so much so I followed them to the Rast Unit. That's
13 how much I believe in my supervisors that I'm with.

14 But a handgun, no. In fact, you can laugh,
15 but I think one thing that would be nice to have would be a
16 basic paintball gun situation, using pepper spray, pepper
17 balls, because a lot of stuff happens right there at the
18 tower. And if you have something like that, you can shoot,
19 hit them with a couple pepper balls, you mark them, they're
20 choking, burning, and they're readily identifiable, and
21 it's all nonlethal.

22 MR. GUENTHER: What about your vision,
23 nighttime vision at the tower?

24 MR. OSBORNE: Nighttime vision at the tower,
25 let's see, to the south -- I'm going back to our yard in

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1 Buckley. I believe all of them are the same. To the south
2 you have a ring light that's a hundred feet up, and then
3 you have some smaller intensity lights around. You have a
4 total of nine of the ring lights that go a hundred foot up
5 and about 14 or 15 of the lower-level lights.

6 MR. GUENTHER: And can you see?

7 MR. OSBORNE: Visibility is very limited,
8 because it's -- you can't -- you can, you can use the tower
9 camera to try to zoom in on gates. You can't tell -- you
10 can barely tell who's in brown and who's in orange.

11 MR. GUENTHER: What about other operations
12 of the tower? I mean, do you find that the consoles are
13 working most of the time and you're able to control ingress
14 and egress or what?

15 MR. OSBORNE: The only problem that you have
16 with the tower, that controls anything the tower controls,
17 are the electric gates. They use a little motor that costs
18 about \$125, and they're forever going out. So now you have
19 to use a key operation on that or open the vehicle gate to
20 get people through, if you just can't get it operating the
21 other way, get people through that way.

22 MR. GUENTHER: How often do you leave the
23 internal door to the mid tower unlocked?

24 MR. OSBORNE: You're talking about the
25 access to the stairwell?

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1 MR. GUENTHER: Uh-huh.

2 MR. OSBORNE: Past practice was, it was on
3 access. That way, because if a guy's on the upper tower,
4 if you get called down to the lower tower, you run down,
5 you punch a button, click, you're out, and then click,
6 you're back in.

7 But I understand, at least I know on Rast,
8 that has stopped, and I believe on the other units that has
9 stopped now, also, because of the 15-day standoff, sir.

10 MR. BURKE: Any other questions for Officer
11 Osborne?

12 Officer, thank you very much.

13 MR. OSBORNE: Thank you very much, sir.

14 MR. BURKE: We're going to have to call it
15 an evening.

16 I want to thank the warden and Director
17 Schriro and all your employees and those who participated
18 for an incredible amount of important feedback, some
19 compelling testimony, and a lot of courage to get up here
20 in front of an unknown panel and provide the thoughts they
21 did, but it was -- I personally found it very, very
22 informative in making the mission that we have a little
23 more understandable.

24 Sir, any thoughts?

25 MR. GUENTHER: Thanks for doing the job you

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1 do, because I'll tell you, it's tough and, you know, I
2 haven't done it, but I've spent a lot of time in prisons
3 just observing, and I don't know how you do it day in, day
4 out, and not take it home with you.

5 As far as from our point of view, and I will
6 even speak for other legislators, and I'm not one right now
7 but --

8 MR. OSBORNE: What district? I'll vote for
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9 you, sir.

10 MR. GUENTHER: But, I mean, those of us that
11 worked on joint corrections and public institutions and
12 stuff like that really are frustrated, as you are, over the
13 financing of corrections.

14 The problem is, it's not a, what would you
15 call it, it's not an orchid-type expenditure, it doesn't
16 buy votes, you know what I mean? And that's a shame. And
17 like you say, they don't even think about you until
18 something happens, because actually the prison system is
19 designed out of sight, out of mind, and everybody just
20 wants to get them out of here, put them away, throw away
21 the key, don't tell me anything about it, but then if their
22 security is threatened, then they want to know everything
23 about it. But they don't want to spend any money on it
24 because they don't think prisoners are worth it. They're
25 not thinking about the people who have to manage the prison

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1 population.

2 So I know there's a lot of us on this panel
3 are going to keep fighting for the cause until we get ahead
4 of the wave instead of buried on the ocean floor.

5 Just thanks, appreciate it.

6 MR. BURKE: Thank you, sir.

7 A VOICE: Thank you.

8 MR. VANDERPOOL: You men and women are law
9 enforcement, you know. As a sheriff and having a detention

10 center and a career-long law enforcement officer, my job on
11 the streets is pretty easy compared to what you guys go
12 through.

13 Most of the people I would meet during a day
14 on the street are good folks trying to get through life.
15 You deal with that 2 percent that society doesn't want to
16 see out on the streets, and some day I hope to see parity
17 in law enforcement for our detention and correctional
18 officers, because without the jails and without the
19 prisons, there's no need for the street cops.

20 You didn't get into the mess you're in
21 overnight. Unfortunately, you're probably not going to get
22 out of it overnight, either, but hang in there, guys.

23 MR. BURKE: Well said, Sheriff. Thank you
24 very much.

25 A VOICE: Thank you.

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1 (The proceedings concluded at 5:33 p.m.)

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STATE OF ARIZONA)

) ss.

COUNTY OF MARICOPA)

8 I, LINDA S. CHRISTENSEN, Certified Court
9 Reporter, Certificate No. 50325, in the State of Arizona,
10 do hereby certify that the foregoing pages constitute a
11 full, true, and accurate transcript of all proceedings had
12 in the foregoing matter, all done to the best of my skill

13 and ability.

14

15 WITNESS my hand this _____ day of

16 _____, 2004.

17

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